

109TH CONGRESS  
2D SESSION

# H. R. 5122

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2006

Mr. HUNTER (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Defense Au-  
5       thorization Act for Fiscal Year 2007”.

6       **SEC. 2. TABLE OF CONTENTS.**

7       (a) DIVISIONS.—This Act is organized into two divi-  
8       sions as follows:

1           (1) Division A—Department of Defense Au-  
2           thorizations.

3           (2) Division B—Military Construction Author-  
4           izations.

5           (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

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Sec. 112. Multi-year procurement authority for the Navy.

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#### Subtitle C—Navy Programs

Sec. 121. Adjustment to total cost limitation for CVN 77 procurement.

Sec. 122. Construction of the first two next generation destroyers.

Sec. 123. Transfer of funds for submarine engineered refueling overhauls and  
conversions or aircraft carrier refueling complex overhauls.

Sec. 124. Deletion of requirement for 12 operational aircraft carriers.

### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

#### Subtitle B—Missile Defense Programs

Sec. 211. Fielding of ballistic missile defense capabilities.

Sec. 212. Certification of stability of the defense technology base.

#### Subtitle C—Other Matters

Sec. 221. Extension of DARPA's prize authority.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

- Sec. 311. Environmental restoration program—funding for cooperative agreement.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Repeal of time limitation on exclusion of expenditures on contracting for depot-level maintenance.

Subtitle D—Outsourcing

- Sec. 331. Temporary security-guard services for increased workloads caused by realignments.
- Sec. 332. Revision and extension of temporary authority for contractor performance of security guard functions.
- Sec. 333. Exception from prohibition on contractor performance of firefighting functions.

Subtitle E—Other Matters

- Sec. 341. Performance Based logistics contracts for weapons systems logistics support: special funding authority.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

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- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Discretionary separation and retirement of twice non-selected chief warrant officer fours.

Subtitle B—Reserve Component Management

- Sec. 511. Authorized strengths of Navy reserve flag officers.

- Sec. 512. Expansion of Authorities for National Guard and reserve components.
- Sec. 513. Amendments to Presidential reserve call-up authority.

#### Subtitle C—Education and Training

- Sec. 521. United States Military Academy and United States Air Force Academy permanent military professors to assume command positions while on periods of sabbatical.
- Sec. 522. United States Military Academy exchange program with foreign military academies.
- Sec. 523. Authority to permit members who participate in the Guaranteed Reserve Forces Duty Scholarship Program to participate in the Health Professions Scholarship Program and serve on active duty.
- Sec. 524. Junior Reserve Officers' Training Corps instruction eligibility expansion.
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#### Subtitle D—Military Justice Matters

- Sec. 531. Air Force law enforcement.

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### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 612. Increase in Special pay and bonuses for nuclear-qualified officers.
- Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. One-year extension of special pay and bonus authorities for nuclear officers.
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- Sec. 621. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are members of the uniformed services.
- Sec. 622. Prohibit court-ordered payments before retirement based on imputation of retired pay.
- Sec. 623. Reduction in Department of Defense accrual contributions into the Military Retirement Fund and government contributions into the Medicare-Eligible Retiree Health Care Fund.

#### Subtitle D—Other Matters

- Sec. 631. Technical modification to the Department of Defense’s computer/electronic accommodations program to allow combat wounded service members.
- Sec. 632. Permanent authority to present recognition items for retention purposes.

### TITLE VII—HEALTH CARE PROVISIONS

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### TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

#### Subtitle A—Acquisition Policy and Management

- Sec. 801. Expanded use of reserve component members to perform developmental and operational testing and new equipment training.
- Sec. 802. Minimum annual purchase for civil reserve air fleet contracts.
- Sec. 803. Clarification of rapid acquisition authority to respond to combat emergencies.
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- Sec. 805. Quality control in procurement of ship critical safety items and related services.
- Sec. 806. Extension of special temporary contract closeout authority.
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#### Subtitle B—United States Defense Industrial Base Provisions

- Sec. 811. Repeal of the military system breakout list.

#### Subtitle C—National Defense Stockpile

- Sec. 821. Revision of Limitations on required disposals of certain materials in National Defense Stockpile.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 901. United States Marine Band and United States Marine Drum and Bugle Corps.
- Sec. 902. Elimination of duplicative voting assistance installation visits.

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States government entities.

Subtitle C—Intelligence-Related Matters

- Sec. 921. Permanent authority for defense intelligence commercial activities.
- Sec. 922. Defense Information Systems Agency.
- Sec. 923. Protection of information regarding weapons of mass destruction.

TITLE X—GENERAL PROVISIONS

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- Sec. 1001. Repeal of requirement for separate budget request for procurement of reserve equipment.
- Sec. 1002. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense conference costs.
- Sec. 1003. Increased Flexibility in the use of Joint Staff exercise funds.
- Sec. 1004. Retention and use of proceeds of sales of M109 Howitzers under the Arms Export Control Act to procure M109-based vehicles.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Authority to request transfer to foreign nations by vessel class.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority to provide Department of Defense support for counter-drug activities of other governmental agencies.
- Sec. 1022. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.
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- Sec. 1024. Department of Defense support for counter-drug activities.

Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Duties relating to defense against weapons of mass destruction.
- Sec. 1032. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs.
- Sec. 1033. Expansion of operations of civil support teams.

Subtitle E—Other Matters

- Sec. 1041. Harmonizing the definition of national security system within the Department of Defense.
- Sec. 1042. Amendment to delegation authority for assistance in combating terrorism.
- Sec. 1043. Defense Economic Adjustment Program: research and technical assistance.

## TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Payment of full replacement value for personal property claims of civilians.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

## Subtitle A—Assistance and Training

Sec. 1201. Logistic support of allied forces for combined operations.  
 Sec. 1202. Change to acquisition and cross servicing agreements definition to allow loan of significant military equipment.  
 Sec. 1203. Expansion of humanitarian and civic assistance to include developing communications and information capacity.

## Subtitle B—Reports

Sec. 1211. Relief of requirement to submit annual reports to Congress regarding allied contributions to the common defense.

## Subtitle C—Other Matters

Sec. 1221. Exclusion of petroleum, oil and lubricants from the limitations on the amount of liabilities the United States may accrue under acquisition and cross-servicing agreements.

## TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Temporary authority to waive limitation funding for chemical weapons destruction facility in Russia.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

## TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.  
 Sec. 2102. Family housing.  
 Sec. 2103. Improvements to military family housing units.  
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## TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.  
 Sec. 2202. Family housing.  
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 Sec. 2204. Authorization of appropriations, Navy.  
 Sec. 2205. Modification of authority to carry out certain fiscal year 2004 and 2005 projects.

## TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.  
 Sec. 2302. Family housing.  
 Sec. 2303. Improvements to military family housing units.  
 Sec. 2304. Authorization of appropriations, Air Force.

## TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2006 project.

#### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

#### TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION PROGRAM

- Sec. 2601. Authorized Chemical Demilitarization construction and land acquisition projects.
- Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction.

#### TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

#### TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2801. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2802. Extension of authorizations of certain fiscal year 2004 projects.
- Sec. 2803. Extension of authorizations of certain fiscal year 2003 projects.

#### TITLE XXIX—GENERAL PROVISIONS

##### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2901. Authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2902. Pilot projects for acquisition or construction of military unaccompanied housing.
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- Sec. 2904. Alternative use of proceeds from the sale of military family housing in support of the military housing privatization initiative.
- Sec. 2905. Updating foreign currency fluctuation adjustment for military family housing leases in foreign countries.
- Sec. 2906. Military unaccompanied housing: local comparability of floor areas.
- Sec. 2907. Flexible financing of housing privatization initiative.
- Sec. 2908. Streamlining military construction thresholds.
- Sec. 2909. Increased lease amount for two housing units for United States Special Operations Command South.

##### Subtitle B—Real Property and Facilities Administration



- Sec. 2911. Repeal requirement to determine the availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
- Sec. 2912. Clarification of potential recipients of planning grants.
- Sec. 2913. Consolidation of easement provisions.
- Sec. 2914. Consolidation of provisions relating to transfer of real property within the Department of Defense and to other Federal agencies.
- Sec. 2915. Extending lease terms for structures and real property relating to structures in foreign countries that are needed for purposes other than family housing.
- Sec. 2916. Preventing encroachment.
- Sec. 2917. Authority to grant restrictive easements.

#### Subtitle C—Base Closure and Realignment

- Sec. 2921. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.

#### Subtitle D—Other Matters

- Sec. 2931. Revitalization of Department of Defense laboratories.
- Sec. 2932. Threshold for medical facility projects.

# **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS TITLE I—PROCUREMENT Subtitle A—Authorization of Appropriations**

## **SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

- (1) For aircraft, \$3,566,483,000.
- (2) For missiles, \$1,350,898,000.
- (3) For weapons and tracked combat vehicles,  
\$2,301,943,000.
- (4) For ammunition, \$1,903,125,000.
- (5) For other procurement, \$7,718,602,000.

1 **SEC. 102. NAVY AND MARINE CORPS.**

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 priated for fiscal year 2007 for procurement for the Navy  
4 as follows:

5 (1) For aircraft, \$10,868,771,000.

6 (2) For weapons, including missiles and tor-  
7 pedoes, \$2,555,020,000.

8 (3) For shipbuilding and conversion,  
9 \$10,578,553,000.

10 (4) For other procurement, \$4,967,916,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to  
12 be appropriated for fiscal year 2007 for procurement for  
13 the Marine Corps in the amount of \$1,273,513,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
15 are hereby authorized to be appropriated for fiscal year  
16 2007 for procurement of ammunition for the Navy and  
17 Marine Corps in the amount of \$789,943,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal year 2007 for procurement for the Air Force as fol-  
21 lows:

22 (1) For aircraft, \$11,479,810,000.

23 (2) For ammunition, \$1,072,749,000.

24 (3) For missiles, \$4,204,145,000.

25 (4) For other procurement, \$15,408,086,000.

1 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2007 for Defense-wide procurement in the  
4 amount of \$2,861,461,000.

5 **Subtitle B—Multi-Year Contract**  
6 **Authorizations**

7 **SEC. 111. MULTI-YEAR PROCUREMENT AUTHORITY FOR**  
8 **ARMY PROGRAMS.**

9 Beginning with the fiscal year 2007 program year,  
10 the Secretary of the Army may, in accordance with section  
11 2306b of title 10, United States Code, enter into multi-  
12 year contracts for procurement of the following:

13 (1) MH–60R Helicopters.

14 (2) MH–60R Helicopter mission equipment.

15 **SEC. 112. MULTI-YEAR PROCUREMENT AUTHORITY FOR**  
16 **NAVY PROGRAM.**

17 Beginning with the fiscal year 2007 program year,  
18 the Secretary of the Navy may, in accordance with section  
19 2306b of title 10, United States Code, enter into a multi-  
20 year contract for procurement of the V–22 Osprey.

21 **SEC. 113. MULTI-YEAR PROCUREMENT AUTHORITY FOR AIR**  
22 **FORCE PROGRAM.**

23 Beginning with the fiscal year 2007 program year,  
24 the Secretary of the Air Force may, in accordance with  
25 section 2306b of title 10, United States Code, enter into

1 a multi-year contract for procurement of F-22A Fighter  
2 Aircraft.

### 3 **Subtitle C—Navy Programs**

#### 4 **SEC. 121. ADJUSTMENT TO TOTAL COST LIMITATION FOR** 5 **CVN 77 PROCUREMENT.**

6 Section 122(f)(1) of the National Defense Authoriza-  
7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
8 Stat. 1649) is amended by striking “\$4,600,000,000 (such  
9 amount being the estimated cost for the procurement of  
10 the CVN–77 aircraft carrier in the March 1997 procure-  
11 ment plan)” and inserting “\$6,057,000,000”.

#### 12 **SEC. 122. CONSTRUCTION OF THE FIRST TWO NEXT GEN-** 13 **ERATION DESTROYERS.**

14 (a) **FUNDING AUTHORIZED.**—Of the amount author-  
15 ized to be appropriated by section 102(a)(3) for fiscal year  
16 2007, \$2,568,000,000 is available for the construction of  
17 two DD(X) Next Generation Destroyers.

18 (b) **CONTRACT AUTHORITY.**—The Secretary of the  
19 Navy may enter into contracts during fiscal year 2007 to  
20 be funded in two consecutive fiscal years for the construc-  
21 tion of two DD(X) Next Generation Destroyers, one with  
22 each of the two surface-combatant shipbuilders.

23 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**  
24 **MENTS.**—A contract entered into under subsection (b)  
25 shall provide that any obligation of the United States to

1 make a payment under the contract for any subsequent  
 2 fiscal year is subject to the availability of appropriations  
 3 for that purpose for that later fiscal year.

4 **SEC. 123. TRANSFER OF FUNDS FOR SUBMARINE ENGI-**  
 5 **NEERED REFUELING OVERHAULS AND CON-**  
 6 **VERSIONS OR AIRCRAFT CARRIER REFUEL-**  
 7 **ING COMPLEX OVERHAULS.**

8 (a) IN GENERAL.—Chapter 633 of title 10, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing new section:

11 **“§ 7317. Obligation and expenditure of funds for sub-**  
 12 **marine engineered refueling overhauls**  
 13 **and conversions or aircraft carrier re-**  
 14 **fueling complex overhauls**

15 “(a) AUTHORITY.—For submarine engineered refuel-  
 16 ing overhauls and conversions or aircraft carrier refueling  
 17 complex overhauls financed with Shipbuilding and Conver-  
 18 sion, Navy appropriations, the Secretary of Defense may  
 19 transfer such amounts as he may designate from any cur-  
 20 rently available Shipbuilding and Conversion, Navy, Other  
 21 Procurement, Navy, and Operations and Maintenance,  
 22 Navy appropriations to the original Shipbuilding and Con-  
 23 version, Navy account financing the project, such amounts  
 24 to be merged with and to be available for the same pur-  
 25 poses and for the same time period as the appropriation

1 to which transferred. This transfer authority is in addition  
2 to any other transfer authority available to the Depart-  
3 ment of Defense.

4 “(b) LIMITATIONS.—This authority may be exercised  
5 only where the transfer of funds is required because of  
6 the discovery, during such submarine engineered refueling  
7 overhauls and conversions or aircraft carrier refueling  
8 complex overhauls, of unanticipated and emergent mainte-  
9 nance, repair, or mission essential modernization require-  
10 ments. Prior to the transfer of an amount of \$20,000,000  
11 or more, or of any amount which, when added to all  
12 amounts previously transferred under the authority grant-  
13 ed by this section cumulatively will exceed \$20,000,000  
14 for a particular availability, the Secretary of Defense shall  
15 notify in writing the congressional defense committees of  
16 the proposed transfer and the reasons therefor. The trans-  
17 fer then may be carried out only after the end of the 30-  
18 day period beginning on the date the notification is re-  
19 ceived by the committees.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of such chapter is amended by adding  
22 at the end the following new item:

“7317. Obligation and expenditure of funds for submarine engineered refueling  
overhauls and conversions or aircraft carrier refueling complex  
overhauls.”.

1 **SEC. 124. DELETION OF REQUIREMENT FOR 12 OPER-**  
2 **ATIONAL AIRCRAFT CARRIERS.**

3 Section 5062 of title 10, United States Code, is  
4 amended—

5 (1) by striking subsection (b); and

6 (2) by redesignating subsections (c) and (d) as  
7 subsections (b) and (c), respectively.

8 **TITLE II—RESEARCH, DEVELOP-**  
9 **MENT, TEST, AND EVALUA-**  
10 **TION**

11 **Subtitle A—Authorization of**  
12 **Appropriations**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2007 for the use of the Department of Defense  
16 for research, development, test, and evaluation, as follows:

17 (1) For the Army, \$10,855,559,000.

18 (2) For the Navy, \$16,912,223,000.

19 (3) For the Air Force, \$24,396,767,000.

20 (4) For Defense-wide activities,  
21 \$20,991,459,000, of which \$181,520,000 is author-  
22 ized for the Director of Operational Test and Eval-  
23 uation.

1           **Subtitle B—Missile Defense**  
2                           **Programs**

3   **SEC. 211. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**  
4                           **BILITIES.**

5           Upon approval by the Secretary of Defense, funds au-  
6   thorized to be appropriated for fiscal year 2008 for re-  
7   search, development, test, and evaluation for the Missile  
8   Defense Agency may be used for the development and  
9   fielding of ballistic missile defense capabilities.

10   **SEC. 212. CERTIFICATION OF STABILITY OF THE DEFENSE**  
11                           **TECHNOLOGY BASE.**

12           Section 212 of the National Defense Authorization  
13   Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
14   542) is amended by striking subsection (c).

15           **Subtitle C—Other Matters**

16   **SEC. 221. EXTENSION OF DARPA'S PRIZE AUTHORITY.**

17           Section 2374a(f) of title 10, United States Code, is  
18   amended by striking “September 30, 2007” and inserting  
19   “ September 30, 2012”.



**TITLE III—OPERATION AND  
MAINTENANCE  
Subtitle A—Authorization of  
Appropriations**

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,902,380,000.
- (2) For the Navy, \$31,330,984,000.
- (3) For the Marine Corps, \$3,878,962,000.
- (4) For the Air Force, \$31,342,307,000.
- (5) For the Defense-wide activities,  
\$20,075,656,000.
- (6) For the Army Reserve, \$2,299,202,000.
- (7) For the Navy Reserve, \$1,288,764,000.
- (8) For the Marine Corps Reserve,  
\$211,911,000.
- (9) For the Air Force Reserve, \$2,723,800,000.
- (10) For the Army National Guard,  
\$4,838,665,000.
- (11) For the Air National Guard,  
\$5,336,017,000.

1           (12) For the United States Court of Appeals  
2           for the Armed Forces, \$11,721,000.

3           (13) For Environmental Restoration, Army,  
4           \$413,794,000.

5           (14) For Environmental Restoration, Navy,  
6           \$304,409,000.

7           (15) For Environmental Restoration, Air Force,  
8           \$423,871,000.

9           (16) For Environmental Restoration, Defense-  
10          wide, \$18,431,000.

11          (17) For Environmental Restoration, Formerly  
12          Used Defense Sites, \$242,790,000.

13          (18) For Overseas Humanitarian, Disaster, and  
14          Civic Aid programs, \$63,204,000.

15          (19) For Cooperative Threat Reduction pro-  
16          grams, \$372,128,000.

17          (20) For the Overseas Contingency Operations  
18          Transfer Fund, \$10,000,000.

19 **SEC. 302. WORKING CAPITAL FUNDS.**

20          Funds are hereby authorized to be appropriated for  
21          fiscal year 2007 for the use of the Armed Forces and other  
22          activities and agencies of the Department of Defense for  
23          providing capital for working capital and revolving funds  
24          in amounts as follows:

1 (1) For the Defense Working Capital Funds,  
2 \$1,345,998,000.

3 (2) For the National Defense Sealift Fund,  
4 \$1,071,932,000.

5 (3) For the Pentagon Reservation Maintenance  
6 Revolving Funds, \$18,500,000.

7 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

8 (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
9 by authorized to be appropriated for the Department of  
10 Defense for fiscal year 2007 for expenses, not otherwise  
11 provided for, for the Defense Health Program, in the  
12 amount of \$21,025,121,000, of which—

13 (1) \$20,498,163,000 is for Operation and  
14 Maintenance;

15 (2) \$130,603,000 is for Research, Development,  
16 Test, and Evaluation; and

17 (3) \$396,355,000 is for Procurement.

18 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
19 TION, DEFENSE.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—

21 Funds are hereby authorized to be appropriated for  
22 the Department of Defense for fiscal year 2007 for  
23 expenses, not otherwise provided for, for Chemical  
24 Agents and Munitions Destruction, in the amount of  
25 \$1,277,304,000, of which—

1 (A) \$1,046,290,000 is for Operation and  
2 Maintenance; and

3 (B) \$231,014,000 is for Research, Devel-  
4 opment, Test, and Evaluation.

5 (2) USE.—Amounts authorized to be appro-  
6 priated under paragraph (1) are authorized for—

7 (A) the destruction of lethal chemical  
8 agents and munitions in accordance with sec-  
9 tion 1412 of the Department of Defense Au-  
10 thorization Act, 1986 (50 U.S.C. 1521); and

11 (B) the destruction of chemical warfare  
12 materiel of the United States that is not cov-  
13 ered by section 1412 of such Act.

14 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
15 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
16 to be appropriated for the Department of Defense for fis-  
17 cal year 2007 for expenses, not otherwise provided for, for  
18 Drug Interdiction and Counter-Drug Activities, Defense-  
19 wide, in the amount of \$926,890,000.

20 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
21 hereby authorized to be appropriated for the Department  
22 of Defense for fiscal year 2007 for expenses, not otherwise  
23 provided for, for the Office of the Inspector General of  
24 the Department of Defense, in the amount of  
25 \$216,297,000, of which—

1 (1) \$214,897,000 is for Operation and Maintenance;  
2 nance; and

3 (2) \$1,400,000 is for Procurement.

4 **Subtitle B—Environmental**  
5 **Provisions**

6 **SEC. 311. ENVIRONMENTAL RESTORATION PROGRAM—**  
7 **FUNDING FOR COOPERATIVE AGREEMENT.**

8 Section 2701(d)(2) of title 10, United States Code,  
9 is amended by adding at the end the following new sentence:  
10 “This two-year limitation shall not apply to agreements  
11 funded from the accounts established under sections  
12 2906 or 2906A of the Defense Base Closure and Realignment  
13 Act of 1990 (part A of title XXIX of Public  
14 Law 101–510; 10 U.S.C. 2687 note).”.

15 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION**  
16 **AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE**  
17 **WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

20 (a) **AUTHORITY TO REIMBURSE.**—(1) Using funds  
21 described in subsection (b), the Secretary of Defense may  
22 transfer not more than \$111,114.03 to the Moses Lake  
23 Wellfield Superfund Site 10–6J Special Account.

24 (2) The payment under paragraph (1) is to reimburse  
25 the Environmental Protection Agency for its costs in-

1 curred in overseeing a remedial investigation/feasibility  
2 study performed by the Department of the Army under  
3 the Defense Environmental Restoration Program at the  
4 former Larson Air Force Base, Moses Lake Superfund  
5 Site, Moses Lake, Washington.

6 (3) The reimbursement described in paragraph (2) is  
7 provided for in the interagency agreement entered into by  
8 the Department of the Army and the Environmental Pro-  
9 tection Agency for the Moses Lake Wellfield Superfund  
10 Site in March 1999.

11 (b) SOURCE OF FUNDS.—Any payment under sub-  
12 section (a) shall be made using funds authorized to be ap-  
13 propriated by section 301(17) for operation and mainte-  
14 nance for Environmental Restoration, Formerly Used De-  
15 fense Sites.

16 (c) USE OF FUNDS.—The Environmental Protection  
17 Agency shall use the amount transferred under subsection  
18 (a) to pay costs incurred by the Agency at the Moses Lake  
19 Wellfield Superfund Site.

1     **Subtitle C—Workplace and Depot**  
2                     **Issues**

3     **SEC. 321. REPEAL OF TIME LIMITATION ON EXCLUSION OF**  
4                     **EXPENDITURES ON CONTRACTING FOR**  
5                     **DEPOT-LEVEL MAINTENANCE.**

6             Section 2474(f)(1) of title 10, United States Code,  
7     is amended by striking “entered into during fiscal years  
8     2003 through 2009”.

9                     **Subtitle D—Outsourcing**

10    **SEC. 331. TEMPORARY SECURITY-GUARD SERVICES FOR IN-**  
11                    **CREASED WORKLOADS CAUSED BY REALIGN-**  
12                    **MENTS.**

13             (a) IN GENERAL.—Notwithstanding section 2465 of  
14     title 10, United States Code, the Secretary of a military  
15     department may, for a period not to exceed one year at  
16     any single installation, contract for security-guard services  
17     at installations selected for realignment under a base clo-  
18     sure law when additional security guard personnel are re-  
19     quired for the safe and secure relocation of—

20                 (1) military munitions and munitions related  
21             equipment; or

22                 (2) high value items in temporary storage  
23             areas.

24             (b) DEFINITIONS.—As used in this section—

1           (1) the term “base closure law” has the same  
2           meaning as provided in section 101(a)(17) of title  
3           10, United States Code; and

4           (2) the term “military munitions” has the same  
5           meaning as provided in section 101(e)(4) of title 10,  
6           United States Code.

7           (c) EXPIRATION.—The authority granted by this sec-  
8           tion shall expire on September 15, 2011.

9           **SEC. 332. REVISION AND EXTENSION OF TEMPORARY AU-**  
10                           **THORITY FOR CONTRACTOR PERFORMANCE**  
11                           **OF SECURITY-GUARD FUNCTIONS.**

12           (a) Section 332(b) of the Bob Stump National De-  
13           fense Authorization Act for Fiscal Year 2003 (Public Law  
14           107–314; 116 Stat. 2513) is amended—

15                   (1) by striking “and” at the end of paragraph  
16                   (1);

17                   (2) by striking the period at the end of para-  
18                   graph (2) and inserting “; or”; and

19                   (3) by adding at the end the following new  
20                   paragraph:

21                   “(3) in the case of an installation or facility  
22                   where security-guard personnel deploy in support of  
23                   a contingency operation and thereby create a short-  
24                   fall of dedicated installation security-guard personnel  
25                   at that installation or facility or at a supporting in-



1       stallation or facility, the entire scope or extent of the  
 2       performance of security-guard functions by the secu-  
 3       rity-guard personnel who deploy, from no more than  
 4       120 days before the deployment to no more than  
 5       120 days after the completion of the deployment.”.

6       (b) Section 332(c) of the Bob Stump National De-  
 7       fense Authorization Act for Fiscal Year 2003 (Public Law  
 8       107–314; 116 Stat. 2513–14), as amended by section  
 9       324(a) of the Ronald W. Reagan National Defense Au-  
 10      thorization Act for Fiscal Year 2005 (Public Law 108–  
 11      375; 118 Stat. 1846) and section 344 of the National De-  
 12      fense Authorization Act for Fiscal Year 2006 (Public Law  
 13      109–163; 119 Stat. 3201), is further amended by striking  
 14      “2007” each place it appears and inserting “2008”.

15   **SEC. 333. EXCEPTION FROM PROHIBITION ON CON-**  
 16                   **TRACTOR PERFORMANCE OF FIREFIGHTING**  
 17                   **FUNCTIONS.**

18       Section 2465(b) of title 10, United States Code, is  
 19       amended by adding at the end the following new para-  
 20       graph:

21               “(5) A contract for the performance of fire-  
 22       fighting functions to—  
 23               “(A) fight wildland fires such as range or  
 24       forest fires; and

1           “(B) perform wildland fire management  
2           such as conducting hazardous fuels treatments  
3           to reduce wildland fire risks including pre-  
4           scribed fire and mechanical treatments.”.

5           **Subtitle E—Other Matters**

6   **SEC. 341. PERFORMANCE BASED LOGISTICS CONTRACTS**  
7           **FOR WEAPONS SYSTEMS LOGISTICS SUP-**  
8           **PORT: SPECIAL FUNDING AUTHORITY.**

9           (a) SPECIFIC FUNDING AUTHORITY.—The Secretary  
10 of Defense may use funds made available for operation  
11 and maintenance on Performance Based Logistics con-  
12 tracts to finance both expense and investment costs associ-  
13 ated with the implementation of engineering changes that  
14 result in a reduction of operation and maintenance costs.

15          (b) NOTIFICATION TO CONGRESS.—The Secretary of  
16 a military department shall notify Congress 30 days before  
17 entering into a Performance Based Logistics contract  
18 under this section that may result in using operation and  
19 maintenance funds for engineering changes. The notice  
20 shall state that—

21           (1) the Department has performed a business  
22           case analysis; and

23           (2) based on that analysis, there is a reasonable  
24           expectation that the proposed Performance Based

1       Logistics contract will result in an overall reduction  
2       of operation and maintenance costs.

3       (c) DEFINITION.—In this section, the term “Per-  
4       formance Based Logistics contract” means the acquisition  
5       of support as an integrated, affordable, performance pack-  
6       age designed to optimize system readiness and meet per-  
7       formance goals for a weapon system through long-term  
8       support arrangements with clear lines of authority and re-  
9       sponsibility. Application of Performance Based Logistics  
10      may be at the system, subsystem, or major assembly level  
11      depending on program unique circumstances and appro-  
12      priate business case analysis.

13                   **TITLE IV—MILITARY**  
14      **PERSONNEL AUTHORIZATIONS**  
15                   **Subtitle A—Active Forces**

16      **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

17           The Armed Forces are authorized strengths for active  
18      duty personnel as of September 30, 2007, as follows:

- 19                   (1) The Army, 482,400.  
20                   (2) The Navy, 340,700.  
21                   (3) The Marine Corps, 175,000.  
22                   (4) The Air Force, 334,200.

1           **Subtitle B—Reserve Forces**

2   **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3           (a) IN GENERAL.—The Armed Forces are authorized  
4 strengths for Selected Reserve personnel of the reserve  
5 components as of September 30, 2007, as follows:

6               (1) The Army National Guard of the United  
7 States, 350,000.

8               (2) The Army Reserve, 200,000.

9               (3) The Navy Reserve, 71,300.

10              (4) The Marine Corps Reserve, 39,600.

11              (5) The Air National Guard of the United  
12 States, 107,000.

13              (6) The Air Force Reserve, 74,900.

14              (7) The Coast Guard Reserve, 10,000.

15           (b) ADJUSTMENTS.—The end strengths prescribed by  
16 subsection (a) for the Selected Reserve of any reserve com-  
17 ponent shall be proportionately reduced by—

18               (1) the total authorized strength of units orga-  
19 nized to serve as units of the Selected Reserve of  
20 such component which are on active duty (other  
21 than for training) at the end of the fiscal year; and

22               (2) the total number of individual members not  
23 in units organized to serve as units of the Selected  
24 Reserve of such component who are on active duty  
25 (other than for training or for unsatisfactory partici-

1       pation in training) without their consent at the end  
2       of the fiscal year.

3       Whenever such units or such individual members are re-  
4       leased from active duty during any fiscal year, the end  
5       strength prescribed for such fiscal year for the Selected  
6       Reserve of such reserve component shall be increased pro-  
7       portionately by the total authorized strengths of such  
8       units and by the total number of such individual members.

9       **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
10       **DUTY IN SUPPORT OF THE RESERVES.**

11       Within the end strengths prescribed in section  
12       411(a), the reserve components of the Armed Forces are  
13       authorized, as of September 30, 2007, the following num-  
14       ber of Reserves to be serving on full-time active duty or  
15       full-time duty, in the case of members of the National  
16       Guard, for the purpose of organizing, administering, re-  
17       cruiting, instructing, or training the reserve components:

18               (1) The Army National Guard of the United  
19       States, 27,441.

20               (2) The Army Reserve, 15,416.

21               (3) The Navy Reserve, 12,564.

22               (4) The Marine Corps Reserve, 2,261.

23               (5) The Air National Guard of the United  
24       States, 13,206.

25               (6) The Air Force Reserve, 2,707.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2007 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army Reserve, 7,912.

9 (2) For the Army National Guard of the United  
10 States, 26,050.

11 (3) For the Air Force Reserve, 10,124.

12 (4) For the Air National Guard of the United  
13 States, 23,255.

14 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF**  
15 **NON-DUAL STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—

17 (1) NATIONAL GUARD.—Within the limitation  
18 provided in section 10217(c)(2) of title 10, United  
19 States Code, the number of non-dual status techni-  
20 cians employed by the National Guard as of Sep-  
21 tember 30, 2007, may not exceed the following:

22 (A) For the Army National Guard of the  
23 United States, 1,600.

24 (B) For the Air National Guard of the  
25 United States, 350.

1           (2) ARMY RESERVE.—The number of non-dual  
2           status technicians employed by the Army Reserve as  
3           of September 30, 2007, may not exceed 595.

4           (3) AIR FORCE RESERVE.—The number of non-  
5           dual status technicians employed by the Air Force  
6           Reserve as of September 30, 2007, may not exceed  
7           90.

8           (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
9           this section, the term “non-dual status technician” has the  
10          meaning given that term in section 10217(a) of title 10,  
11          United States Code.

12   **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
13                   **THORIZED TO BE ON ACTIVE DUTY FOR**  
14                   **OPERATIONAL SUPPORT.**

15          During fiscal year 2007, the maximum number of  
16          members of the reserve components of the Armed Forces  
17          who may be serving at any time on full-time operational  
18          support duty under section 115(b) of title 10, United  
19          States Code, is the following:

20               (1) The Army National Guard of the United  
21               States, 17,000.

22               (2) The Army Reserve, 13,000.

23               (3) The Navy Reserve, 6,200.

24               (4) The Marine Corps Reserve, 3,000.

1 (5) The Air National Guard of the United  
2 States, 16,000.

3 (6) The Air Force Reserve, 14,000.

4 **Subtitle C—Authorization of**  
5 **Appropriations**

6 **SEC. 421. ARMED FORCES RETIREMENT HOME.**

7 There is hereby authorized to be appropriated for fis-  
8 cal year 2007 from the Armed Forces Retirement Home  
9 Trust Fund the sum of \$54,846,000 for the operation of  
10 the Armed Forces Retirement Home, including the United  
11 States Soldiers' and Airmen's Home and the Naval Home.

12 **TITLE V—MILITARY PERSONNEL**  
13 **POLICY**

14 **Subtitle A—Officer Personnel**  
15 **Policy**

16 **SEC. 501. DISCRETIONARY SEPARATION AND RETIREMENT**  
17 **OF TWICE NON-SELECTED CHIEF WARRANT**  
18 **OFFICER FOURS.**

19 Section 580(a)(1) of title 10, United States Code, is  
20 amended—

21 (1) by inserting “(except for a chief warrant of-  
22 ficer in the grade of CW4)” after “chief warrant of-  
23 ficer”; and

24 (2) by adding at the end the following new sen-  
25 tence: “Chief warrant officers in the grade of CW4



1 shall be retired at the discretion of the Secretary  
 2 concerned.”.

## 3 **Subtitle B—Reserve Component** 4 **Management**

### 5 **SEC. 511. AUTHORIZED STRENGTHS OF NAVY RESERVE** 6 **FLAG OFFICERS.**

7 Section 12004 of title 10, United States Code, is  
 8 amended—

9 (1) by amending section (c) to read as follows:

10 “(c) The authorized strength of the Navy and Marine  
 11 Corps under subsection (a) is exclusive of officers counted  
 12 under section 526 of this title.”;

13 (2) by striking subsection (d); and

14 (3) by redesignating subsection (e) as sub-  
 15 section (d).

### 16 **SEC. 512. EXPANSION OF AUTHORITIES FOR NATIONAL** 17 **GUARD AND RESERVE COMPONENTS.**

18 (a) DEFINITION OF ACTIVE GUARD AND RESERVE.—

19 Section 101(b) of title 10, United States Code, is amended  
 20 by adding at the end the following new paragraph (16):

21 “(16) The term ‘Active Guard and Reserve’  
 22 means a member of a reserve component of the  
 23 armed forces on active duty pursuant to section  
 24 12301(d) of this title, or a member of the Army Na-  
 25 tional Guard or Air National Guard on full-time Na-

1 tional Guard duty pursuant to section 502(f) of title  
 2 32, performing Active Guard and Reserve duty.”.

3 (b) AUTHORITY FOR ACTIVE GUARD AND RESERVE  
 4 DUTIES TO INCLUDE SUPPORT OF OPERATIONAL MIS-  
 5 SIONS ASSIGNED TO THE RESERVE COMPONENT AND THE  
 6 INSTRUCTION AND TRAINING OF ACTIVE DUTY PER-  
 7 SONNEL.—Section 12310 of such title is amended—

8 (1) by striking subsections (a) and (b); and

9 (2) by inserting the following new subsections

10 (a) and (b):

11 “(a) AUTHORITY.—The Secretary concerned may  
 12 order a member of the reserve components to active duty  
 13 pursuant to section 12301(d) of this title to perform Ac-  
 14 tive Guard and Reserve duty.

15 “(b) GRADE WHEN ORDERED TO ACTIVE DUTY.—  
 16 A Reserve ordered to active duty under subsection (a)  
 17 shall be ordered in his reserve grade. While so serving,  
 18 he continues to be eligible for promotion as a Reserve, if  
 19 he is otherwise qualified.”;

20 (3) by redesignating subsections (c) and (d) as  
 21 subsections (d) and (e), respectively; and

22 (4) by inserting after subsection (b) the fol-  
 23 lowing new subsection (c):

24 “(c) DUTIES.—A Reserve on active duty under sub-  
 25 section (a) may perform the following duties in addition

1 to, and not in lieu of, his primary Active Guard and Re-  
2 serve duties:

3 “(1) Supporting operations or missions as-  
4 signed in whole or in part to the reserve compo-  
5 nents.

6 “(2) Supporting operations or missions per-  
7 formed or to be performed by—

8 “(A) a unit composed of elements from  
9 more than one component of the same armed  
10 force; or

11 “(B) a joint forces unit that includes—

12 “(i) one or more reserve component  
13 units; or

14 “(ii) a member of a reserve compo-  
15 nent whose reserve component assignment  
16 is in a position in an element of the joint  
17 forces unit.

18 “(3) Advising the Secretary of Defense, the  
19 Secretaries of the military departments, the Joint  
20 Chiefs of Staff, and the commanders of the unified  
21 combatant command regarding reserve component  
22 matters.

23 “(4) Instructing or training active duty mili-  
24 tary, foreign military (under the same authorities  
25 and restrictions applicable to active duty troops),

1 Department of Defense contractor personnel or De-  
2 partment of Defense civilian employees.”.

3 (c) DUTIES OF MILITARY TECHNICIANS.—Section  
4 10216(a) of such title is amended—

5 (1) in paragraph (1)(C), by striking “adminis-  
6 tration and” and inserting “organizing, admin-  
7 istering, instructing, or”; and

8 (2) by adding at the end the following new  
9 paragraph:

10 “(3) A military technician (dual status) who is  
11 employed under section 3101 of title 5 may perform  
12 the following duties in addition to, and not in lieu  
13 of, those primary duties described in paragraph (1):

14 “(A) Supporting operations or missions as-  
15 signed in whole or in part to the technician’s  
16 unit.

17 “(B) Supporting operations or missions  
18 performed or to be performed by—

19 “(i) a unit composed of elements from  
20 more than one component of the techni-  
21 cian’s armed force; or

22 “(ii) a joint forces unit that in-  
23 cludes—

24 “(I) one or more units of the  
25 technician’s component; or

1                   “(II) a member of the techni-  
2                   cian’s component whose reserve com-  
3                   ponent assignment is in a position in  
4                   an element of the joint forces unit.

5                   “(C) Instructing or training active duty  
6                   military, foreign military (under the same au-  
7                   thorities and restrictions applicable to active  
8                   duty troops), Department of Defense contractor  
9                   personnel or Department of Defense civilian  
10                  employees.”.

11               (d) DEFINITION OF “ACTIVE GUARD AND RESERVE”  
12 AND “ACTIVE GUARD AND RESERVE DUTY”.—Section  
13 101 of title 32, United States Code, is amended by adding  
14 at the end the following new paragraphs:

15               “(20) The term ‘Active Guard and Reserve’  
16               means a member of the Army National Guard or Air  
17               National Guard on full-time National guard duty  
18               pursuant to section 502(f) of this title, performing  
19               Active Guard and Reserve duty.

20               “(21)(A) The term ‘Active Guard and Reserve  
21               duty’ means active duty or full-time National Guard  
22               duty performed by a member of a reserve component  
23               of the Army, Navy, Air Force, or Marine Corps, or  
24               full-time National Guard duty performed by a mem-  
25               ber of the National Guard, pursuant to an order to

1 active duty or full-time National Guard duty for a  
2 period of 180 consecutive days or more for the pur-  
3 pose of organizing, administering, recruiting, in-  
4 structing, or training the reserve components.

5 “(B) Such term does not include the following:

6 “(i) Duty performed as a member of the  
7 Reserve Forces Policy Board provided for under  
8 section 10301 of title 10.

9 “(ii) Duty performed as a property and fis-  
10 cal officer under section 708 of this title.

11 “(iii) Duty performed for the purpose of  
12 interdiction and counter-drug activities for  
13 which funds have been provided under section  
14 112 of this title.

15 “(iv) Duty performed as a general or flag  
16 officer.

17 “(v) Service as a State director of the Se-  
18 lective Service System under section 10(b)(2) of  
19 the Military Selective Service Act (50 App.  
20 U.S.C. 460(b)(2)).”.

21 (e) AUTHORITY TO ORDER MEMBERS TO ACTIVE  
22 GUARD AND RESERVE DUTY.—(1) Chapter 3 of such title  
23 is amended by adding at the end the following new section:

1 **“§ 328. Active guard and reserve duty**

2       “(a) **AUTHORITY.**—The Governor of his State or Ter-  
3 ritory or Puerto Rico, or the commanding general of the  
4 District of Columbia National Guard, as the case may be,  
5 with the consent of the Secretary concerned, may order  
6 a member of the National Guard to perform Active Guard  
7 and Reserve duty pursuant to section 502(f) of this title.

8       “(b) **DUTIES.**—A member of the National Guard per-  
9 forming duty under subsection (a) may perform the fol-  
10 lowing duties in addition to, and not in lieu of, his primary  
11 Active Guard and Reserve duties:

12           “(1) Support of operations or missions under-  
13 taken by the member’s unit at the request of the  
14 President or the Secretary of Defense.

15           “(2) Support of Federal training operations or  
16 Federal training missions assigned in whole or in  
17 part to the member’s unit.

18           “(3) Instructing or training active duty mili-  
19 tary, foreign military (under the same authorities  
20 and restrictions applicable to active duty troops),  
21 Department of Defense contractor personnel or De-  
22 partment of Defense civilian employees.”; and

23       (2) The table of sections at the beginning of such  
24 chapter is amended by adding at the end the following  
25 new item:

“328. Active guard and reserve duty.”.

1       (f) AUTHORITY FOR NATIONAL GUARD DUTIES TO  
2 INCLUDE SUPPORT OF CERTAIN OPERATIONS AND MIS-  
3 SIONS.—Section 502(f) of such title is amended by strik-  
4 ing “subsection (a).” and inserting “subsection (a), which  
5 may include—

6               “(A) support of operations or missions un-  
7 dertaken by the members’ unit at the request of  
8 the President or Secretary of Defense; and

9               “(B) support of Federal training oper-  
10 ations or Federal training missions assigned in  
11 whole or in part to the National Guard.”.

12       (g) EXPANSION OF DUTIES OF TECHNICIANS.—Sec-  
13 tion 709(a) of such title is amended—

14               (1) in paragraph (1)—

15                       (A) by striking “administration and” and  
16 inserting “organizing, administering, instruct-  
17 ing, or”; and

18                       (B) by striking “and” at the end of such  
19 paragraph;

20               (2) by striking the period at the end of para-  
21 graph (2) and inserting “; and”; and

22               (3) by adding at the end the following new  
23 paragraph:



1 “(3) the performance of the following duties in  
2 addition to, and not in lieu of, those duties described  
3 by paragraphs (1) and (2):

4 “(A) Support of operations or missions un-  
5 dertaken by the technician’s unit at the request  
6 of the President or the Secretary of Defense.

7 “(B) Support of Federal training oper-  
8 ations or Federal training missions assigned in  
9 whole or in part to the technician’s unit.

10 “(C) Instructing or training active duty  
11 military, foreign military (under the same au-  
12 thorities and restrictions applicable to active  
13 duty troops), Department of Defense contractor  
14 personnel or Department of Defense civilian  
15 employees.”.

16 (h) NATIONAL GUARD OFFICERS AUTHORITY TO  
17 COMMAND.—Section 325 of such title is amended—

18 (1) in subsection (a)(2), by striking “in com-  
19 mand of a National Guard unit”;

20 (2) by redesignating subsection (b) as sub-  
21 section (c); and

22 (3) by inserting after subsection (a) the fol-  
23 lowing new subsection (b):

24 “(b) ADVANCE AUTHORIZATION AND CONSENT.—  
25 The President and Governor of the State or Territory or

1 Puerto Rico, or the commanding general of the District  
 2 of Columbia National Guard, as the case may be, respec-  
 3 tively, may give the authorization and consent required by  
 4 subsection (a)(2), in advance, for the purpose of estab-  
 5 lishing the succession of command of a unit.”; and

6 (4) by adding at the end the following new sub-  
 7 section:

8 “(d) NATIONAL GUARD DUTIES.—An officer who is  
 9 not relieved from duty in the National Guard while serving  
 10 on active duty pursuant to subsection (a)(2) may perform  
 11 any duty authorized to be performed by the laws of his  
 12 State or Territory, Puerto Rico, or the District of Colum-  
 13 bia, as the case may be, to be performed by the National  
 14 Guard without regard to the limitations imposed by sec-  
 15 tion 1385 of title 18.”.

16 **SEC. 513. AMENDMENTS TO PRESIDENTIAL RESERVE CALL-**  
 17 **UP AUTHORITY.**

18 Section 12304 of title 10, United States Code, is  
 19 amended—

20 (1) in subsection (a), by striking “270” and in-  
 21 serting “365”;

22 (2) in subsection (b)—

23 (A) by striking “or” at the end of para-  
 24 graph (1);

1 (B) by striking the period at the end of  
2 paragraph (2) and inserting “; or”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(3) a serious natural or manmade disaster, ac-  
6 cident, or catastrophe.”;

7 (3) in subsection (c)(1)—

8 (A) by striking “or,” and inserting a  
9 comma; and

10 (B) by striking “, to” and all that follows  
11 through the end and inserting a period;

12 (4) by redesignating subsection (i) as subsection  
13 (j); and

14 (5) by inserting after subsection (h) the fol-  
15 lowing new subsection (i):

16 “(i) FAIR TREATMENT.—(1) In determining which  
17 members in the Selected Reserve and Individual Ready  
18 Reserve will be recalled to duty without their consent, ap-  
19 propriate consideration shall be given to—

20 “(A) the length and nature of previous service,  
21 to assure such sharing of exposure to hazards as the  
22 national security and military requirements will rea-  
23 sonably allow;

24 “(B) family responsibilities; and

1           “(C) employment necessary to maintain the na-  
2           tional health, safety, or interest.

3           “(2) The Secretary of Defense shall prescribe such  
4 policies and procedures as he considers necessary to carry  
5 out this subsection.”.

## 6           **Subtitle C—Education and** 7           **Training**

### 8   **SEC. 521. UNITED STATES MILITARY ACADEMY AND UNITED** 9           **STATES AIR FORCE ACADEMY PERMANENT** 10           **MILITARY PROFESSORS TO ASSUME COM-** 11           **MAND POSITIONS WHILE ON PERIODS OF** 12           **SABBATICAL.**

13           (a) UNITED STATES MILITARY ACADEMY.—Section  
14 4334(d) of title 10, United States Code, is amended—

15                   (1) by striking “permanent professors and the”;

16                   (2) by striking “exercise” and inserting “exer-  
17 cises”; and

18                   (3) by adding at the end the following new sen-  
19 tence: “At the discretion of the Secretary of the  
20 Army, the permanent professors may exercise com-  
21 mand in the academic department of the Academy  
22 or within Army units assigned.”.

23           (b) UNITED STATES AIR FORCE ACADEMY.—Section  
24 9334(b) of such title is amended—

25                   (1) by striking “permanent professors and the”;

1           (2) by striking “exercise” and inserting “exer-  
2       cises”; and

3           (3) by adding at the end the following new sen-  
4       tence: “At the discretion of the Secretary of the Air  
5       Force, the permanent professors may exercise com-  
6       mand in the academic department of the Academy  
7       or within Air Force units assigned.”.

8       **SEC. 522. UNITED STATES MILITARY ACADEMY EXCHANGE**  
9                       **PROGRAM WITH FOREIGN MILITARY ACAD-**  
10                      **EMIES.**

11       Section 4345 of title 10, United States Code, is  
12   amended—

13           (1) in subsection (b), by striking “24” and in-  
14       serting “100”; and

15           (2) in subsection (c)(3), by striking “for the  
16       Academy” and all that follows through the period at  
17       the end of the second sentence and inserting “for  
18       the Academy and additional funds provided to the  
19       Academy by the Department of Defense to support  
20       cultural immersion, regional awareness, or foreign  
21       language training initiatives. Expenditures from  
22       funds appropriated for the Academy in support of  
23       the exchange program may not exceed \$1,000,000  
24       during any fiscal year.”.

1 **SEC. 523. AUTHORITY TO PERMIT MEMBERS WHO PARTICI-**  
 2 **PATE IN THE GUARANTEED RESERVE**  
 3 **FORCES DUTY SCHOLARSHIP PROGRAM TO**  
 4 **PARTICIPATE IN THE HEALTH PROFESSIONS**  
 5 **SCHOLARSHIP PROGRAM AND SERVE ON AC-**  
 6 **TIVE DUTY.**

7 Paragraph (3) of section 2107a(b) of title 10, United  
 8 States Code, is amended—

9 (1) by striking “the Secretary may” and insert-  
 10 ing “or a cadet or former cadet under this section  
 11 who signs an agreement under section 2122 of this  
 12 title, the Secretary may”;

13 (2) by striking “consent of the cadet con-  
 14 cerned” and inserting “consent of the cadet, or  
 15 former cadet, concerned”; and

16 (3) by striking “submitted by the cadet” and  
 17 inserting “submitted by the cadet, or former cadet,”.

18 **SEC. 524. JUNIOR RESERVE OFFICERS’ TRAINING CORPS**  
 19 **INSTRUCTION ELIGIBILITY EXPANSION.**

20 Section 2031 of title 10, United States Code, is  
 21 amended—

22 (1) in subsection (d)(1), by inserting “who are  
 23 drawing retired or retainer pay,” after “Fleet Ma-  
 24 rine Corps Reserve,”; and

25 (2) by adding at the end the following new sub-  
 26 section (e):

1       “(e) Instead of, or in addition to, the detailing of ac-  
2 tive duty officers and non-commissioned officers under  
3 subsection (c)(1), and the employment of retired officers  
4 and non-commissioned officers and members of the Fleet  
5 Reserve or Fleet Marine Corps Reserve under subsection  
6 (d), the Secretary of the military department concerned  
7 may authorize qualified institutions to employ as adminis-  
8 trators and instructors in the program, retired officers and  
9 non-commissioned officers who qualify for retired pay for  
10 non-regular service under the provisions of section 12731  
11 (except those who qualify for age as defined in section  
12 12731(a)(1)), whose qualifications are approved by the  
13 Secretary and the institution concerned and who request  
14 such employment, subject to the following:

15           “(1) The compensation package for officers and  
16 non-commissioned officers employed under this sub-  
17 section shall not be coupled with either active duty  
18 pay or retired pay, but instead shall be at a rate  
19 contracted individually and determined by the Sec-  
20 retary of the military department concerned. The  
21 Secretary may pay the institution an amount the  
22 Secretary determined to be appropriate, but the  
23 amount may not be more than the amount that  
24 would be paid on behalf of an equivalent retiree or  
25 member of the Fleet Reserve or Fleet Marine Corps

1 Reserve under the provisions of subsection (d)(1).  
 2 The Secretary may continue to pay individuals em-  
 3 ployed under this subsection pre-determined com-  
 4 pensation packages, even after they reach the age of  
 5 60. Payments by the Secretary concerned under this  
 6 paragraph shall be made from funds appropriated  
 7 for that purpose.

8 “(2) Notwithstanding any other provision of  
 9 law, such a retired member is not, while so em-  
 10 ployed, considered to be on active duty or inactive  
 11 duty training for any purpose.”.

12 **SEC. 525. FREQUENCY OF ADMINISTRATION OF SERVICE**  
 13 **ACADEMY SEXUAL ASSAULT SURVEY AND OF**  
 14 **SUBMISSION OF ACADEMIC PROGRAM YEAR**  
 15 **REPORTS.**

16 (a) IN GENERAL.—(1) Subsection (b) of section 527  
 17 of the National Defense Authorization Act for Fiscal Year  
 18 2004 (Public Law 108–136; 117 Stat. 1469) is amend-  
 19 ed—

20 (A) in paragraph (1)—

21 (i) by striking “an assessment during each  
 22 academy program year” and inserting “a De-  
 23 partment of Defense-administered assessment  
 24 during each academy program year designated  
 25 in this subsection”; and



1 (ii) by striking “conduct” and inserting  
 2 “host”; and

3 (B) in paragraph (2)—

4 (i) by striking “2007, and 2008” and in-  
 5 serting “2008 and 2010”; and

6 (ii) by striking “conduct” and inserting  
 7 “host”.

8 (2) Subsection (c) of such section is amended—

9 (A) by striking “annual” each place it appears;

10 (B) in paragraph (1), by striking “2007, and  
 11 2008” and inserting “2008 and 2010”; and

12 (C) in paragraph (2)(D), by inserting “des-  
 13 ignated” after “subsequent”.

14 (b) CLERICAL AND CONFORMING AMENDMENTS.—

15 (1) Such section is further amended—

16 (A) by striking “sexual harassment and vio-  
 17 lence” each place it appears and inserting “sexual  
 18 harassment and sexual violence”;

19 (B) by striking “academy personnel” each place  
 20 it appears and inserting “cadets and/or mid-  
 21 shipmen”;

22 (C) by inserting “**SEXUAL**” after “**HAR-**  
 23 **ASSMENT**” in the heading for such section;

24 (D) by inserting “SEXUAL” after “HARASS-  
 25 MENT” in the heading for subsection (a);

1 (E) by striking “ANNUAL” and inserting  
 2 “ACADEMY PROGRAM YEAR” in the heading for sub-  
 3 section (b); and

4 (F) by striking “ANNUAL” and inserting  
 5 “ACADEMY PROGRAM YEAR” in the heading for sub-  
 6 section (c).

7 (2) The item relating to such section in the table of  
 8 contents in section 2(b) of such Act is amended to read  
 9 as follows:

“Sec. 527. Actions to address sexual harassment and sexual violence at the  
 service academies.”.

## 10 **Subtitle D—Military Justice** 11 **Matters**

### 12 **SEC. 531. AIR FORCE LAW ENFORCEMENT.**

13 (a) AIR FORCE LAW ENFORCEMENT.—Part I of sub-  
 14 title D of title 10, United States Code, is amended by add-  
 15 ing at the end the following new chapter:

### 16 **“CHAPTER 820—LAW ENFORCEMENT**

“Sec.  
 “8150. Air Force Office of Special Investigations.  
 “8151. Credentials and badges.  
 “8152. Air Force law enforcement officers.  
 “8153. Enforcement authority.  
 “8154. Integration with other authorities.

### 17 **“§ 8150. Air Force Office of Special Investigations**

18 “(a) ESTABLISHMENT.—Subject to section 8011 of  
 19 this title, there shall be an Air Force Office of Special  
 20 Investigations within the Department of the Air Force, or-

1 ganized in such manner as the Secretary of the Air Force  
2 shall direct.

3 “(b) INVESTIGATIVE AUTHORITY.—The Air Force  
4 Office of Special Investigations shall, under regulations  
5 prescribed by the Secretary of the Air Force, initiate and  
6 conduct criminal investigations into matters involving the  
7 Department of the Air Force. The Air Force Office of Spe-  
8 cial Investigations, subject to the provisions of this title  
9 and as otherwise allowed by law, may perform such other  
10 functions of, or assigned to, the Department of the Air  
11 Force as the Secretary directs.

12 **“§ 8151. Credentials and badges**

13 “The Commander of the Air Force Office of Special  
14 Investigations shall provide for the issuance and revoca-  
15 tion, including retrieval, of such credentials and badges  
16 to its personnel as are necessary to provide for effective  
17 identification of its personnel.

18 **“§ 8152. Air Force law enforcement officers**

19 “(a) DESIGNATION OF SPECIAL AGENTS.—Special  
20 agents of the Air Force Office of Special Investigations  
21 are law enforcement officers for purposes of this chapter.

22 “(b) DESIGNATION OF ADDITIONAL PERSONNEL.—  
23 The Secretary of the Air Force may designate such addi-  
24 tional personnel of the Air Force, whether military or civil-  
25 ian, as law enforcement officers for purposes of this chap-

1 ter, when such personnel are primarily engaged in law en-  
2 forcement functions. Except as provided in section 8154  
3 of this title, the powers granted by paragraphs (2) and  
4 (3) of section 8153(a) of this title shall only be exercised  
5 by such additional designated personnel when the Sec-  
6 retary of Defense and the Attorney General approve the  
7 application to them of the guidelines provided for in sec-  
8 tion 8153(c)(2) of this title.

9 **“§ 8153. Enforcement authority**

10 “(a) OFFICER AUTHORITY.—Any person who is a law  
11 enforcement officer in accordance with section 8152 of  
12 this title, without regard to whether the officer is a civilian  
13 or a military member, may—

14 “(1) carry firearms;

15 “(2) execute and serve any warrant or other  
16 processes issued under the authority of the United  
17 States; and

18 “(3) make arrests without warrant for—

19 “(A) any offense against the United States  
20 committed in the presence of such officer; or

21 “(B) any felony offense against the United  
22 States if such officer has probable cause to be-  
23 lieve that the person to be arrested has com-  
24 mitted or is committing that felony offense.

1       “(b) DISPOSITION OF PERSONS ARRESTED.—Any  
 2 person not subject to chapter 47 of this title (the Uniform  
 3 Code of Military Justice) who is arrested pursuant to au-  
 4 thority exercised under subsection (a) shall, as soon as is  
 5 reasonably practicable, be turned over to the appropriate  
 6 civilian Federal, State, or local authorities for custody and  
 7 prosecution.

8       “(c) LIMITATIONS.—The powers granted by para-  
 9 graphs (2) and (3) of subsection (a) shall be exercised  
 10 only—

11           “(1) on, or when in hot pursuit from, a military  
 12 installation or facility under the jurisdiction, cus-  
 13 tody, or control of the Secretary or an installation  
 14 or facility provided Air Force law enforcement sup-  
 15 port pursuant to direction of the Secretary of De-  
 16 fense; and

17           “(2) in accordance with guidelines prescribed by  
 18 the Secretary of the Air Force and approved by the  
 19 Secretary of Defense and the Attorney General.

20 **“§ 8154. Integration with other authorities**

21       “Nothing in this chapter may be construed to limit  
 22 or expand authority contained in chapter 212 of title 18.”.

23       (b) CONFORMING AMENDMENT.—Section 1223 of the  
 24 Department of Defense Authorization, 1986 (Public Law

1 99–145; 99 Stat. 728), is amended by striking the second  
2 sentence.

3 (c) CLERICAL AMENDMENT.—The table of chapters  
4 for part I of title 10, United States Code, is amended by  
5 adding at the end the following new item:

“820. Law Enforcement ..... 8150.”.

6 **Subtitle E—Decorations and**  
7 **Awards**

8 **SEC. 541. AUTHORIZE THE PURCHASE AND PRESENTATION**  
9 **OF MEDAL OF HONOR FLAGS TO ALL LIVING**  
10 **MEDAL OF HONOR RECIPIENTS AND TO ALL**  
11 **LIVING PRIMARY NEXT OF KIN FOR DE-**  
12 **CEASED MEDAL OF HONOR RECIPIENTS.**

13 (a) ARMY.—Section 3755 of title 10, United States  
14 Code, is amended by striking “after October 23, 2002”  
15 and all that follows and inserting “or, if deceased, to the  
16 surviving primary next of kin. Such presentation shall be  
17 made as expeditiously as possible after the date of the des-  
18 ignation of the Medal of Honor Flag by the Secretary of  
19 Defense under section 903 of title 36. For purposes of  
20 this section, the term ‘primary next of kin’ means, in de-  
21 scending order, the surviving spouse, son or daughter, par-  
22 ents (mother, father, stepmother, stepfather, mother  
23 through adoption, father through adoption, and foster par-  
24 ents who stood in loco parentis), brother, sister, half

1 brother and half sister of the deceased veteran as deter-  
2 mined by applicable State law.”.

3 (b) NAVY.—Section 6257 of such title is amended by  
4 striking “after October 23, 2002” and all that follows and  
5 inserting “or, if deceased, to the surviving primary next  
6 of kin. Such presentation shall be made as expeditiously  
7 as possible after the date of the designation of the Medal  
8 of Honor Flag by the Secretary of Defense under section  
9 903 of title 36. For purposes of this section, the term ‘pri-  
10 mary next of kin’ means, in descending order, the sur-  
11 viving spouse, son or daughter, parents (mother, father,  
12 stepmother, stepfather, mother through adoption, father  
13 through adoption, and foster parents who stood in loco  
14 parentis), brother, sister, half brother and half sister of  
15 the deceased veteran as determined by applicable State  
16 law.”.

17 (c) AIR FORCE.—Section 8755 of such title is amend-  
18 ed by striking “after October 23, 2002” and all that fol-  
19 lows and inserting “or, if deceased, to the surviving pri-  
20 mary next of kin. Such presentation shall be made as expe-  
21 ditiously as possible after the date of the designation of  
22 the Medal of Honor Flag by the Secretary of Defense  
23 under section 903 of title 36. For purposes of this section,  
24 the term ‘primary next of kin’ means, in descending order,  
25 the surviving spouse, son or daughter, parents (mother,

1 father, stepmother, stepfather, mother through adoption,  
 2 father through adoption, and foster parents who stood in  
 3 loco parentis), brother, sister, half brother and half sister  
 4 of the deceased veteran as determined by applicable State  
 5 law.”.

6 (d) COAST GUARD.—Section 505 of title 14, United  
 7 States Code, is amended by striking “after October 23,  
 8 2002” and all that follows and inserting “or, if deceased,  
 9 to the surviving primary next of kin. Such presentation  
 10 shall be made as expeditiously as possible after the date  
 11 of the designation of the Medal of Honor Flag by the Sec-  
 12 retary of Defense under section 903 of title 36. For pur-  
 13 poses of this section, the term ‘primary next of kin’ means,  
 14 in descending order, the surviving spouse, son or daughter,  
 15 parents (mother, father, stepmother, stepfather, mother  
 16 through adoption, father through adoption, and foster par-  
 17 ents who stood in loco parentis), brother, sister, half  
 18 brother and half sister of the deceased veteran as deter-  
 19 mined by applicable State law.”.

## 20 **Subtitle F—Other Matters**

### 21 **SEC. 551. ENLISTMENT OATH: WHO MAY ADMINISTER.**

22 (a) ENLISTMENT OATH: WHO MAY ADMINISTER.—  
 23 Section 502 of title 10, United States Code, is amended  
 24 by striking “This oath may be taken before any commis-  
 25 sioned officer of any armed force.” and inserting “This



1 oath may be taken before the President of the United  
 2 States of America, Vice-President, Secretary of Defense,  
 3 any commissioned officer or other person designated under  
 4 regulations prescribed by the Secretary of Defense.”.

5 (b) ADMINISTRATION OF OATH.—Section 1031 of  
 6 such title is amended by striking “Any commissioned offi-  
 7 cer of any component of an armed force, whether or not  
 8 on active duty, may administer any oath” and inserting  
 9 “The President of the United States of America, Vice-  
 10 President, Secretary of Defense, any commissioned officer,  
 11 or other person designated under regulations prescribed  
 12 by the Secretary of Defense, may administer any oath”.

13 **SEC. 552. MILITARY STATUS OF OFFICERS SERVING IN CER-**  
 14 **TAIN INTELLIGENCE COMMUNITY POSITIONS.**

15 Section 528 of title 10, United States Code, is  
 16 amended by adding at the end the following new sub-  
 17 sections:

18 “(e) MILITARY STATUS.—Officers of the armed  
 19 forces, while serving in positions covered by this section—  
 20 “(1) shall not be subject to supervision or con-  
 21 trol by the Secretary of Defense or by any officer or  
 22 employee of the Department of Defense, except as  
 23 directed by the Secretary of Defense or his designee  
 24 concerning reassignment from such position; and

1           “(2) shall not exercise, by reason of the officer’s  
2           status as an officer, any supervision or control with  
3           respect to any of the military or civilian personnel  
4           of the Department of Defense except as otherwise  
5           authorized by law.

6           “(f) EFFECT OF APPOINTMENT.—Except as provided  
7           in subsection (e), the appointment of an officer of the  
8           armed forces to a position covered by this section shall  
9           not affect the status, position, rank, or grade of such offi-  
10          cer in the armed forces, or any emolument, perquisite,  
11          right, privilege, or benefit incident to or arising out of such  
12          status, position, rank, or grade.

13          “(g) MILITARY PAY AND ALLOWANCES.—An officer  
14          of the armed forces on active duty who is appointed to  
15          a position covered by this section shall, while serving in  
16          such position and while remaining on active duty, continue  
17          to receive military pay and allowances and shall not receive  
18          the pay prescribed for such position. Funds from which  
19          such pay and allowances are paid shall be reimbursed from  
20          funds available to the Director of the Central Intelligence  
21          Agency (for positions within the Central Intelligence  
22          Agency), or from funds available to the Director of Na-  
23          tional Intelligence (for positions within the Office of the  
24          Director of National Intelligence).”.

1 **TITLE VI—COMPENSATION AND**  
 2 **OTHER PERSONNEL BENEFITS**  
 3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. INCREASE IN GENERAL AND FLAG OFFICER PAY**  
 5 **CAP.**

6 Section 203(a)(2) of title 37, United States Code, is  
 7 amended by striking “level III” and inserting “level II”.

8 **Subtitle B—Bonuses and Special**  
 9 **and Incentive Pays**

10 **SEC. 611. SPECIAL PAY FOR SELECTED RESERVE HEALTH**  
 11 **CARE PROFESSIONALS IN CRITICALLY SHORT**  
 12 **WARTIME SPECIALTIES.**

13 Subsection (a) of section 302g of title 37, United  
 14 States Code, is amended by striking “\$10,000” and in-  
 15 serting “\$25,000”.

16 **SEC. 612. INCREASE IN SPECIAL PAY AND BONUSES FOR**  
 17 **NUCLEAR-QUALIFIED OFFICERS.**

18 Section 312b(a)(1) of title 37, United States Code,  
 19 is amended by striking “\$20,000” and inserting  
 20 “\$30,000”.

21 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
 22 **ING TO PAYMENT OF OTHER BONUSES AND**  
 23 **SPECIAL PAYS.**

24 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
 25 tion 301b(a) of title 37, United States Code, is amended

1 by striking “December 31, 2006” and inserting “Decem-  
2 ber 31, 2007”.

3 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)  
4 of such title is amended by striking “December 31, 2007”  
5 and inserting “December 31, 2008”.

6 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
7 BERS.—Section 308(g) of such title is amended by strik-  
8 ing “December 31, 2006” and inserting “December 31,  
9 2007”.

10 (d) ENLISTMENT BONUS.—Section 309(e) of such  
11 title is amended by striking “December 31, 2006” and in-  
12 serting “December 31, 2007”.

13 (e) RETENTION BONUS FOR MEMBERS QUALIFIED  
14 IN A CRITICAL MILITARY SKILL.—Section 323(i) of such  
15 title is amended by striking “December 31, 2006” and in-  
16 serting “December 31, 2007”.

17 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
18 ICAL SKILLS.—Section 324(g) of such title is amended by  
19 striking “December 31, 2006” and inserting “December  
20 31, 2007”.

21 (g) CONVERSION TO MILITARY OCCUPATIONAL SPE-  
22 CIALTY TO EASE PERSONNEL SHORTAGE.—Section  
23 326(g) of such title is amended by striking “December 31,  
24 2006” and inserting “December 31, 2007”.

1 **SEC. 614. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
2 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
3 **CERS.**

4 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
5 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
6 312(e) of title 37, United States Code, is amended by  
7 striking “December 31, 2006” and inserting “December  
8 31, 2007”.

9 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
10 312b(c) of such title is amended by striking “December  
11 31, 2006” and inserting “December 31, 2007”.

12 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
13 BONUS.—Section 312c(d) of such title is amended by  
14 striking “December 31, 2006” and inserting “December  
15 31, 2007”.

16 **SEC. 615. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
17 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
18 **HEALTH CARE PROFESSIONALS.**

19 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
20 GRAM.—Section 2130a(a)(1) of title 10, United States  
21 Code, is amended by striking “December 31, 2006” and  
22 inserting “December 31, 2007”.

23 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
24 Section 302d(a)(1) of title 37, United States Code, is  
25 amended by striking “December 31, 2006” and inserting  
26 “December 31, 2007”.

1 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
2 THETISTS.—Section 302e(a)(1) of such title is amended  
3 by striking “December 31, 2006” and inserting “Decem-  
4 ber 31, 2007”.

5 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—  
6 Section 302h(a)(1) of such title is amended by striking  
7 “December 31, 2006” and inserting “December 31,  
8 2007”.

9 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
10 Section 302j(a) of such title is amended by striking “De-  
11 cember 31, 2006” and inserting “December 31, 2007”.

12 **SEC. 616. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
13 **SPECIAL PAYS FOR RESERVE FORCES.**

14 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
15 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
16 302g(e) of title 37, United States Code, is amended by  
17 striking “December 31, 2006” and inserting “December  
18 31, 2007”.

19 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
20 Section 308b(g) of such title is amended by striking “De-  
21 cember 31, 2006” and inserting “December 31, 2007”.

22 (c) SELECTED RESERVE AFFILIATION OR ENLIST-  
23 MENT BONUS.—Section 308c(i) of such title is amended  
24 by striking “December 31, 2006” and inserting “Decem-  
25 ber 31, 2007”.

1       (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
2 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
3 308d(e) of such title is amended by striking “December  
4 31, 2006” and inserting “December 31, 2007”.

5       (e) READY RESERVE NON-PRIOR SERVICE ENLIST-  
6 MENT BONUS.—Section 308g(f) of such title is amended  
7 by striking “December 31, 2006” and inserting “Decem-  
8 ber 31, 2007”.

9       (f) READY RESERVE ENLISTMENT AND REENLIST-  
10 MENT BONUS.—Section 308h(e) of such title is amended  
11 by striking “December 31, 2006” and inserting “Decem-  
12 ber 31, 2007”.

13       (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-  
14 tion 308i(f) of such title is amended by striking “Decem-  
15 ber 31, 2006” and inserting “December 31, 2007”.

16       (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
17 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
18 LECTED RESERVE.—Section 16302(d) of title 10, United  
19 States Code, is amended by striking “January 1, 2007”  
20 and inserting “January 1, 2008”.

## **Subtitle C—Retired Pay and Survivor Benefits**

### **SEC. 621. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE MEMBERS OF THE UNI- FORMED SERVICES.**

(a) IN GENERAL.—Section 403(l) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(4) Notwithstanding any other provision of law, this subsection shall apply to a member of a uniformed service who is the spouse of the deceased member. An allowance paid under this subsection is in addition to any other pay and allowances to which the member is entitled.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

### **SEC. 622. PROHIBIT COURT-ORDERED PAYMENTS BEFORE RETIREMENT BASED ON IMPUTATION OF RE- TIRED PAY.**

(a) AUTHORITY.—Section 1408(c)(3) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”; and



1           (2) by adding at the end the following new sub-  
2 paragraph:

3           “(B) A court may not order a member to make  
4 payments based upon an imputation of a property  
5 interest in future retired pay of any kind to a spouse  
6 or former spouse before the date of the member’s ac-  
7 tual retirement.”.

8           (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall apply to final court orders or court  
10 orders seeking enforcement of prior final decrees issued  
11 on or after the date of the enactment of this Act.

12 **SEC. 623. REDUCTION IN DEPARTMENT OF DEFENSE AC-**  
13 **CRUAL CONTRIBUTIONS INTO THE MILITARY**  
14 **RETIREMENT FUND AND GOVERNMENT CON-**  
15 **TRIBUTIONS INTO THE MEDICARE-ELIGIBLE**  
16 **RETIREE HEALTH CARE FUND.**

17           (a) RETIREMENT FUND.—(1) Section 1465 of title  
18 10, United States Code, is amended—

19           (A) in subsection (b)(1)—

20           (i) by amending subparagraph (A)(ii) to  
21 read as follows:

22           “(ii) the total amount of basic pay ex-  
23 pected to be paid during that fiscal year for ac-  
24 tive duty in the armed forces (other than the  
25 Coast Guard) and for full-time National Guard

duty (other than full-time National Guard duty for training only), but excluding any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title.”; and

(ii) in subparagraph (B)(ii)—

(I) by striking “Ready” and inserting “Selected”; and

(II) by striking “and other than members on full-time National Guard duty other than for training) who are” and inserting “) for service”; and

(B) in subsection (c)(1)—

(i) by amending subparagraph (A) to read as follows:

“(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for active duty in the armed forces (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding any duty that would be excluded for active-duty end strength purposes by subsection 115(i) of this title, to be determined without regard to section 1413a or 1414 of this title; and”;

(ii) in subparagraph (B)—

1 (I) by striking “Ready” and inserting  
2 “Selected”; and

3 (II) by striking “and other than mem-  
4 bers on full-time National Guard duty  
5 other than for training) who are” and in-  
6 serting “) for service”.

7 (2) Section 1466(a) of such title is amended—

8 (A) by amending paragraph (1)(B) to read as  
9 follows:

10 “(B) the total amount of basic pay accrued  
11 for that month for active duty in the armed  
12 forces (other than the Coast Guard) and for  
13 full-time National Guard duty (other than full-  
14 time National Guard duty for training only),  
15 but excluding any duty that would be excluded  
16 for active-duty end strength purposes by section  
17 115(i) of this title.”; and

18 (B) in paragraph (2)(B)—

19 (i) by striking “Ready” and inserting “Se-  
20 lected”; and

21 (ii) by striking “and other than members  
22 on full-time National Guard duty other than for  
23 training) who are” and inserting “) for serv-  
24 ice”.

1 (b) MEDICARE ELIGIBLE RETIREE HEALTH CARE  
2 FUND.—(1) Section 1111(b) of such title is amended by  
3 adding at the end the following new paragraph:

4 “(5) The term ‘members of the uniformed serv-  
5 ices on active duty’ does not include a cadet at the  
6 United States Military Academy, the United States  
7 Air Force Academy, or the Coast Guard Academy;  
8 or a midshipman at the United States Naval Acad-  
9 emy.”.

10 (2) Section 1115 of such title is amended—

11 (A) in subsection (b)—

12 (i) in paragraph (1)(B), by inserting before  
13 the period at the end the following: “, but ex-  
14 cluding any members who would be excluded for  
15 active-duty end strength purposes by section  
16 115(i) of this title”; and

17 (ii) in paragraph (2)(B)—

18 (I) by striking “Ready” and inserting  
19 “Selected”; and

20 (II) by striking “other than members  
21 on full-time National Guard duty other  
22 than for training”; and

23 (B) in subsection (c)(1)—

24 (i) in subparagraph (A), by inserting be-  
25 fore the semicolon the following: “, but exclud-

ing any members who would be excluded for active-duty end strength purposes by section 115(i) of this title”; and

(ii) in subparagraph (B)—

(I) by striking “Ready” and inserting “Selected”; and

(II) by striking “(other than members on full-time National Guard duty other than for training)”.

## **Subtitle D—Other Matters**

### **SEC. 631. TECHNICAL MODIFICATION TO THE DEPARTMENT OF DEFENSE’S COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM TO ALLOW COMBAT WOUNDED SERVICE MEMBERS.**

Section 1582(a)(1) of title 10, United States Code, is amended by adding at the end of the following new sentence: “The Secretary of Defense may allow members of the armed forces who have sustained severe or debilitating illnesses or injuries while serving in support of a contingency operation to retain any assistive technology, devices, or services provided to the member prior to their separation of military service upon their separation.”.

1 **SEC. 632. PERMANENT AUTHORITY FOR PRESENTATION OF**  
2 **RECOGNITION ITEMS FOR RECRUITMENT**  
3 **AND RETENTION PURPOSES.**

4 Section 2261 of title 10, United States Code, is  
5 amended by striking subsection (d).

6 **TITLE VII—HEALTH CARE**  
7 **PROVISIONS**  
8 **Subtitle A—TRICARE Program**  
9 **Improvements**

10 **SEC. 701. TRICARE COVERAGE FOR FORENSIC EXAMINA-**  
11 **TION FOLLOWING SEXUAL ASSAULTS AND**  
12 **DOMESTIC VIOLENCE.**

13 Section 1079(a) of title 10, United States Code, is  
14 amended by adding at the end the following new para-  
15 graph:

16 “(18) Forensic examinations following a sexual  
17 assault and domestic violence may be provided.”.

18 **SEC. 702. INCREASING TRICARE PROGRAM COST SHARING**  
19 **AMOUNTS.**

20 (a) **AUTHORITY.**—Section 1086(b) of title 10, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing new paragraph:

23 “(5)(A) Notwithstanding paragraphs (1)  
24 through (4), and subject to subparagraph (B), the  
25 Secretary of Defense shall prescribe regulations to  
26 revise the requirements for payments by bene-

1       ficiaries under this subsection, other than Medicare-  
2       eligible beneficiaries, in order to reflect increases in  
3       health care costs. Such requirements, which may in-  
4       clude a revised deductible amount and an enrollment  
5       fee, need not be uniform for all such beneficiaries.  
6       Any such enrollment fee may be a condition of eligi-  
7       bility for health care benefits under chapter 55 of  
8       this title.

9               “(B) The revisions required by subparagraph  
10       (A) may not result in average annual per person  
11       out-of-pocket costs in excess of the average annual  
12       per person out-of-pocket costs applicable in fiscal  
13       year 1996, indexed to fiscal year 2007 and future  
14       fiscal years based on the annual rate of change (in-  
15       crease or decrease) in the average premiums under  
16       the Federal Employee Health Benefits Program  
17       under chapter 89 of title 5.

18              “(C) In this paragraph:

19                      “(i) The term ‘Medicare-eligible bene-  
20       ficiary’ means a person described in subsection  
21       (d).

22                      “(ii) The term ‘out-of-pocket costs’ means  
23       the portion of the total health care costs (in-  
24       cluding deductible amounts, enrollment fees,  
25       and other cost sharing) of a beneficiary reliant

1           on the civilian sector component of the  
 2           TRICARE Program that are not covered by  
 3           such program.”.

4           (b) TIME FOR PROMULGATION OF REGULATIONS.—  
 5   The Secretary shall prescribe the regulations required  
 6   under paragraph (5) of section 1086(b) of title 10, United  
 7   States Code (as added by subsection (a)), not later than  
 8   90 days after the date of enactment of this Act.

9           (c) LIMITATION.—Notwithstanding any other provi-  
 10   sion of this Act, no authority to make payments or collect  
 11   any new deductible or enrollment fee under this Act shall  
 12   be effective except to such extent and in such amounts  
 13   as are provided in advance in appropriation Acts.

## 14           **Subtitle B—Other Matters**

### 15   **SEC. 711. RESTRUCTURING THE DENTAL DIVISION OF THE** 16           **BUREAU OF MEDICINE AND SURGERY.**

17           (a) IN GENERAL.—Section 5138 of title 10, United  
 18   States Code, is amended—

19               (1) in subsection (a)—

20                       (A) by striking the first sentence; and

21                       (B) by striking “Division” and inserting

22                       “Corps” in the second sentence;

23               (2) in subsection (b), by striking “Division”  
 24           and inserting “Corps”;



1           (3) in subsection (c), by striking “, that all  
2       such” and all that follows and inserting a period;  
3       and

4           (4) by amending subsection (d) to read as fol-  
5       lows:

6       “(d) The Chief of the Dental Corps shall serve as  
7       the advisor to the Surgeon General/Chief, Bureau of Medi-  
8       cine and Surgery, on all matters relating directly to den-  
9       tistry, including professional standards and policies for  
10      dental practice.”.

11       (b) CLERICAL AMENDMENTS.—(1) The heading of  
12      such section is amended to read as follows:

13      **“§ 5138. Bureau of Medicine and Surgery: Dental**  
14                      **Corps; Chief”.**

15       (2) The table of sections at the beginning of chapter  
16      513 of such title is amended by striking the item relating  
17      to section 5138 and inserting the following:

“5138. Bureau of Medicine and Surgery: Dental Corps; Chief.”.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Acquisition Policy and**  
6 **Management**

7 **SEC. 801. EXPANDED USE OF RESERVE COMPONENT MEM-**  
8 **BERS TO PERFORM DEVELOPMENTAL AND**  
9 **OPERATIONAL TESTING AND NEW EQUIP-**  
10 **MENT TRAINING.**

11 (a) REIMBURSEMENT.—The Secretary of the Army  
12 may transfer from funds available to support an acquisi-  
13 tion program in the amount necessary to reimburse the  
14 appropriate reserve component military personnel account  
15 for costs charged to that account for military pay and al-  
16 lowances in connection with the demonstration program  
17 described in subsection (b).

18 (b) DEMONSTRATION PROGRAM.—(1) A demonstra-  
19 tion program under this section shall evaluate—

20 (A) cost savings and other benefits that may re-  
21 sult from the use of members of the reserve compo-  
22 nents to perform test, evaluation, and related activi-  
23 ties for an acquisition program, rather than the use  
24 of contractor personnel for such purposes; and

1           (B) the use of appropriations available for  
2           multi-year research, development, testing and eval-  
3           uation and procurement to reimburse reserve compo-  
4           nents for the pay, allowances, and expenses incurred  
5           when such members perform duties to conduct ac-  
6           quisition, logistics, and new equipment training ac-  
7           tivities in connection with the demonstration pro-  
8           gram.

9           (2) Nothing in this section authorizes a deviation  
10          from established Reserve and National Guard personnel  
11          and training procedures.

12          (c) LIMITATION ON AMOUNT.—Not more than  
13          \$10,000,000 may be transferred under this section during  
14          each year of the demonstration program.

15          (d) MERGER OF TRANSFERRED FUNDS.—Funds  
16          transferred to an account under this section shall be  
17          merged with other sums in the account and shall be avail-  
18          able for the same period and purposes as the sums with  
19          which merged.

20          (e) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
21          ITY.—The transfer authority under this section is in addi-  
22          tion to any other transfer authority.

23          (f) TERMINATION.—The demonstration program  
24          under this section shall terminate on September 30, 2010.

1 **SEC. 802. MINIMUM ANNUAL PURCHASE FOR CIVIL RE-**  
2 **SERVE AIR FLEET CONTRACTS.**

3 (a) IN GENERAL.—Chapter 931 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 9515. Minimum annual purchase for Civil Reserve**  
7 **Air Fleet contracts**

8 “(a) IN GENERAL.—The Secretary of Defense is au-  
9 thorized to award to air carriers participating in the Civil  
10 Reserve Air Fleet (CRAF) program annual airlift con-  
11 tracts with a minimum purchase amount determined in  
12 accordance with this section.

13 “(b) MINIMUM ANNUAL CONTRACT AWARDS.—Such  
14 contract minimum purchase amount shall be based on  
15 forecast needs but may not be for more than eighty per-  
16 cent of the annual average expenditures of airlift for the  
17 prior 5-year period. Unusually high demand years, such  
18 as during a conflict, will normally be omitted to obtain  
19 a more accurate forecast. Award amounts shall be divided  
20 among the carriers or carrier teaming arrangements pro-  
21 portional to the commitments to the CRAF program.

22 “(c) SUBSIDY.—Should any of the amounts set aside  
23 for the annual minimum airlift purchase not be utilized  
24 to purchase actual transportation from the carriers to  
25 whom awarded, such remainder will be transferred to the  
26 carrier prior to the first day of the following fiscal year.

1 Proportional adjustment shall be made for periods when  
 2 services from the air carrier are unavailable for usage by  
 3 the Department of Defense, such as refused business, sus-  
 4 pended operations, or when the air carrier is placed in  
 5 non-use status pursuant to section 2640 of this title for  
 6 safety issues. If purchases of transportation services ex-  
 7 ceed minimum contract amounts for that carrier or  
 8 teaming arrangement, no subsidy will be provided.

9 “(d) MERGER OF FUNDS.—Amounts available to the  
 10 Services for transportation equal to the proportional share  
 11 of usage by each Service shall be transferred to the trans-  
 12 portation working capital fund to fund contract award.  
 13 Each Service shall be entitled to obtain transportation of  
 14 equal value or transfer that entitlement to other Services  
 15 or DOD units. Such transferred value shall be merged  
 16 with the appropriations of the receiving unit.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
 18 at the beginning of such chapter is amended by adding  
 19 at the following new item:

“9515. Minimum annual purchase for Civil Reserve Air Fleet contracts.”.

20 **SEC. 803. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**  
 21 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

22 Section 806 of the Bob Stump National Defense Au-  
 23 thorization Act for Fiscal Year 2003 (Public Law 107–  
 24 314; 116 Stat. 2607; 10 U.S.C. 2302 note), as amended  
 25 by section 811 of the Ronald W. Reagan National Defense

1 Authorization Act for Fiscal Year 2005 (Public Law 108–  
2 375), is further amended—

3 (1) in subsection (a), by inserting “or utiliza-  
4 tion of services” after “items”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)(B), by inserting “or  
7 services” after “items”;

8 (B) in paragraph (2)—

9 (i) by inserting “or utilizing services”  
10 after “items”;

11 (ii) in subparagraph (A), by inserting  
12 “or service” after “item”;

13 (iii) in subparagraph (B), by inserting  
14 “or the utilization of a service” after  
15 “item”; and

16 (iv) in subparagraph (C), by inserting  
17 “or utilization” after “deployment”;

18 (3) in subsection (c)—

19 (A) by inserting “or service” after “equip-  
20 ment” each place it appears;

21 (B) by striking “combat capability” each  
22 place it appears;

23 (C) by striking “casualties” and inserting  
24 “fatalities” each place it appears;

1 (D) in paragraph (1), by inserting “below  
2 the Under Secretary of Defense (Acquisition,  
3 Technology and Logistics)” after “delegation”;  
4 and

5 (E) by amending paragraph (4) to read as  
6 follows:

7 “(4) The Secretary of Defense shall notify the  
8 congressional defense committees within 15 days  
9 after the end of each quarter of the fiscal year with  
10 regard to each determination made under paragraph  
11 (1) during that quarter. For each determination,  
12 such notice shall identify—

13 “(A) the equipment and services being ac-  
14 quired;

15 “(B) the amount being expended for each  
16 acquisition; and

17 “(C) the source of funds for each acqui-  
18 sition.”; and

19 (4) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by inserting “or service” after  
22 “equipment” each place it appears;

23 (ii) in subparagraph (B), by striking  
24 “or”; and

1 (iii) in subparagraph (C), by striking  
2 the period and inserting “; or”; and  
3 (B) by adding at the end the following new  
4 subparagraph:  
5 “(D) domestic source or content restric-  
6 tions that would inhibit or impede the rapid ac-  
7 quisition of the equipment or service.”.

8 **SEC. 804. UNIFIED COMBATANT COMMAND FOR JOINT**  
9 **WARFIGHTING EXPERIMENTATION: ACQUISITION AUTHORITY.**  
10

11 Section 167a of title 10, United States Code, is  
12 amended—

13 (1) in subsection (a), by striking “and acquire”  
14 and inserting “, acquire and sustain”; and  
15 (2) by striking subsection (f).

16 **SEC. 805. QUALITY CONTROL IN PROCUREMENT OF SHIP**  
17 **CRITICAL SAFETY ITEMS AND RELATED**  
18 **SERVICES.**

19 (a) **QUALITY CONTROL POLICY.**—The Secretary of  
20 Defense shall prescribe in regulations a quality control  
21 policy for the procurement of ship critical safety items and  
22 the procurement of modifications, repair, and overhaul of  
23 such items.



1 (b) CONTENT OF REGULATIONS.—The policy set  
2 forth in the regulations shall include the following require-  
3 ments:

4 (1) That the head of the design control activity  
5 for ship critical safety items establish processes to  
6 identify and manage the procurement, modification,  
7 repair, and overhaul of ship critical safety items.

8 (2) That the head of the contracting activity for  
9 a ship critical safety item enter into a contract for  
10 the procurement, modification, repair, or overhaul of  
11 such item only with a source on a Qualified Manu-  
12 facturers List or a source approved by the design  
13 control activity in accordance with section 2319 of  
14 title 10, United States Code.

15 (3) That the ship critical safety items delivered,  
16 and the services performed with respect to ship crit-  
17 ical safety items, meet all technical and quality re-  
18 quirements specified by the design control activity.

19 (c) DEFINITIONS.—In this section, the terms “ship  
20 critical safety item” and “design control activity” have the  
21 meanings given such terms in section 2319(g) of title 10,  
22 United States Code, as amended by subsection (d).

23 (d) CONFORMING AMENDMENTS.—Section 2319 of  
24 title 10, United States Code, is amended—

1 (1) in subsection (c)(3), by inserting “or ship”  
 2 after “aviation”; and

3 (2) in subsection (g)—

4 (A) by redesignating paragraph (2) as  
 5 paragraph (3);

6 (B) by inserting after paragraph (1) the  
 7 following new paragraph (2):

8 “(2) The term ‘ship critical safety item’ means  
 9 any ship part, assembly, or support equipment con-  
 10 taining a critical characteristic whose failure, mal-  
 11 function, or absence may cause a catastrophic or  
 12 critical failure resulting in loss or serious damage to  
 13 the ship, or unacceptable risk of personal injury or  
 14 loss of life.”; and

15 (C) in paragraph (3) (as redesignated)—

16 (i) by inserting “or ship” after “avia-  
 17 tion” the first place it appears; and

18 (ii) by inserting “or the seaworthiness  
 19 of a ship system or equipment” after  
 20 “equipment”.

21 **SEC. 806. EXTENSION OF SPECIAL TEMPORARY CONTRACT**

22 **CLOSEOUT AUTHORITY.**

23 Section 804 of the National Defense Authorization  
 24 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 25 1541), as amended by section 852 of the Ronald W.

1 Reagan National Defense Authorization Act for Fiscal  
 2 Year 2005 (Public Law 108–375; 118 Stat. 2021), is fur-  
 3 ther amended in subsection (d) by striking “September  
 4 30, 2006” and inserting “September 30, 2007”.

5 **SEC. 807. DEFENSE ACQUISITION CHALLENGE PROGRAM.**

6 Section 2359b of title 10, United States Code, is  
 7 amended by striking subsection (j).

8 **Subtitle B—United States Defense**  
 9 **Industrial Base Provisions**

10 **SEC. 811. REPEAL OF THE MILITARY SYSTEM BREAKOUT**  
 11 **LIST.**

12 Section 813 of the National Defense Authorization  
 13 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 14 1543) is repealed.

15 **Subtitle C—National Defense**  
 16 **Stockpile**

17 **SEC. 821. REVISION OF LIMITATIONS ON REQUIRED DIS-**  
 18 **POSALS OF CERTAIN MATERIALS IN NA-**  
 19 **TIONAL DEFENSE STOCKPILE.**

20 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
 21 FISCAL YEAR 1997.—Section 3303 of the National De-  
 22 fense Authorization Act for Fiscal Year 1997 (Public Law  
 23 104–201; 110 Stat. 2855; 50 U.S.C. 98d note), as amend-  
 24 ed by section 3402(f) of the National Defense Authoriza-  
 25 tion Act for Fiscal Year 2000 (Public Law 106–65; 113

1 Stat. 973), and section 3304(c) of the National Defense  
2 Authorization Act for Fiscal Year 2002 (Public Law 107–  
3 107; 115 Stat. 1390), is further amended—

4 (1) in subsection (a), by striking paragraph (2)  
5 and inserting the following new paragraph:

6 “(2) \$720,000,000 during the twelve-fiscal year  
7 period ending September 30, 2008.”; and

8 (2) in subsection (b)(2), by striking “10-fiscal  
9 year period” and inserting “12-fiscal year period”.

10 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
11 FISCAL YEAR 1998.—Section 3305(a)(5) of the National  
12 Defense Authorization Act for Fiscal Year 1998 (Public  
13 Law 105–85; 111 Stat. 2057; 50 U.S.C. 98d note), as  
14 amended by section 3305 of the National Defense Author-  
15 ization Act for Fiscal Year 2002 (Public Law 107–107;  
16 115 Stat. 1390), is further amended by striking “2006”  
17 and inserting “2008”.

18 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
19 FISCAL YEAR 1999.—Section 3303(a) of the Strom Thur-  
20 mond National Defense Authorization Act for Fiscal Year  
21 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C.  
22 98d note), as amended by section 3302 of the Ronald W.  
23 Reagan National Defense Authorization Act for Year  
24 2005 (Public Law 108–375; 118 Stat. 2193), and section  
25 3302(a) of the National Defense Authorization Act for

1 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545),  
 2 is further amended—

3 (1) by striking “and” at the end of paragraph  
 4 (5); and

5 (2) by striking paragraph (6) and inserting the  
 6 following new paragraphs:

7 “(6) \$1,000,000,000 by the end of fiscal year  
 8 2013; and

9 “(7) \$1,365,000,000 by the end of fiscal year  
 10 2014.”.

11 **TITLE IX—DEPARTMENT OF DE-**  
 12 **FENSE ORGANIZATION AND**  
 13 **MANAGEMENT**

14 **Subtitle A—General Department of**  
 15 **Defense Management Matters**

16 **SEC. 901. UNITED STATES MARINE BAND AND UNITED**  
 17 **STATES MARINE DRUM AND BUGLE CORPS.**

18 (a) IN GENERAL.—Section 6222 of title 10, United  
 19 States Code, is amended to read as follows:

20 **“§ 6222. United States Marine Band and United**  
 21 **States Marine Drum and Bugle Corps:**  
 22 **composition; appointment and promotion**

23 “(a) The band of the Marine Corps shall be composed  
 24 of one director, two assistant directors, and other per-

1 sonnel in such numbers and grades as the Secretary of  
2 the Navy determines to be necessary.

3       “(b) The Drum and Bugle Corps of the Marine Corps  
4 shall be composed of one commanding officer and other  
5 personnel in such numbers and grades as the Secretary  
6 of the Navy determines to be necessary.

7       “(c) The Secretary shall prescribe regulations for the  
8 appointment and promotion of members of the Marine  
9 Band and members of the Marine Drum and Bugle Corps  
10 and the President may from time to time appoint them  
11 to grades not above the grade of captain. The President’s  
12 authority to appoint members to grades not above captain  
13 under this section may be delegated only to the Secretary  
14 of Defense without further re-delegation. The President,  
15 by and with the advice and consent of the Senate, may  
16 from time to time appoint members to grades above the  
17 grade of captain.

18       “(d) Unless otherwise entitled to higher retired grade  
19 and retired pay, a member who holds, or has held, an ap-  
20 pointment under this section is entitled, when retired, to  
21 be retired in, and with retired pay based on, the highest  
22 grade held under this section in which the Secretary deter-  
23 mines that he served satisfactorily.

24       “(e) The Secretary may revoke any appointment of  
25 a member of the Marine Band or Marine Drum and Bugle

1 Corps. When a member's appointment to a commissioned  
 2 grade under this section terminates, the member is enti-  
 3 tled, at his option—

4           “(1) to be discharged from the Marine Corps;  
 5           or

6           “(2) to revert to the grade and status he held  
 7           at the time of his designation.”.

8           (b) CLERICAL AMENDMENT.—The table of sections  
 9 for chapter 565 of such title is amended by striking the  
 10 item relating to section 6222 and inserting the following  
 11 new item:

“6222. United States Marine Band and United States Marine Drum and Bugle  
 Corps: composition; appointment and promotion.”.

12 **SEC. 902. ELIMINATION OF DUPLICATIVE VOTING ASSIST-**  
 13 **ANCE INSTALLATION VISITS.**

14           Section 1566 of title 10, United States Code, is  
 15 amended—

16           (1) by striking subsection (d); and

17           (2) by redesignating subsections (e), (f), (g),  
 18           (h) and (i) as subsections (d), (e), (f), (g), and (h),  
 19           respectively.

1           **Subtitle B—Space Activities**

2   **SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**  
3                   **FOR PROVISION OF SPACE SURVEILLANCE**  
4                   **NETWORK SERVICES TO NON-UNITED STATES**  
5                   **GOVERNMENT ENTITIES.**

6           Section 2274(i) of title 10, United States Code, is  
7   amended by striking “shall be conducted during the three-  
8   year period beginning on a date specified by the Secretary  
9   of Defense, which date shall be not later than 180 days  
10  after the date of the enactment of this section” and insert-  
11  ing “may be conducted through September 30, 2009”.

12           **Subtitle C—Intelligence-Related**  
13                   **Matters**

14   **SEC. 921. PERMANENT AUTHORITY FOR DEFENSE INTEL-**  
15                   **LIGENCE COMMERCIAL ACTIVITIES.**

16           Section 431(a) of title 10, United States Code, is  
17  amended by striking the last sentence.

18   **SEC. 922. DEFENSE INFORMATION SYSTEMS AGENCY.**

19           Section 193(f)(1) of title 10, United States Code, is  
20  amended to read as follows:

21                   “(1) The Defense Information Systems Agen-  
22           cy.”.



1 **SEC. 923. PROTECTION OF INFORMATION REGARDING**  
2 **WEAPONS OF MASS DESTRUCTION.**

3 (a) PROHIBITION FROM DISCLOSURE UNDER FREE-  
4 DOM OF INFORMATION ACT.—Information in the posses-  
5 sion of the Department of Defense concerning weapons of  
6 mass destruction, as defined in subsection (d) of this sec-  
7 tion, shall not be disclosed under section 552 of title 5,  
8 United States Code (commonly referred to as the Freedom  
9 of Information Act (FOIA)) for the period of time the sen-  
10 sitivity of the information can be reasonably confirmed.  
11 Any information controlled under the Atomic Energy Act  
12 of 1954, as amended, is exempt from the provisions of this  
13 Act. This exemption shall be implemented in a manner  
14 so as to not unduly restrict the public's current level of  
15 access to environmental impact statements, records con-  
16 cerning healthcare activities, or other information essen-  
17 tial to inform official decision-making concerning the  
18 health and safety of the public.

19 (b) REQUIREMENT FOR SAFEGUARDING.—The De-  
20 partment of Defense shall safeguard information con-  
21 cerning weapons of mass destruction commensurate with  
22 the sensitivity of the information concerned and shall take  
23 all reasonable actions to ensure parties outside the Federal  
24 government with whom the Department shares such infor-  
25 mation safeguard it in the same manner.

1       (c) APPLICATION OF STATE OR LOCAL DISCLOSURE  
2 LAWS.—Information subject to this section that the De-  
3 partment has provided to State and local authorities shall  
4 not be made available pursuant to any State or local law  
5 requiring disclosure of information or records.

6       (d) DEFINITIONS.—In this section:

7           (1) The term “weapon of mass destruction” has  
8 the same meaning as given in the Defense Against  
9 Weapons of Mass Destruction Act of 1996 (50  
10 U.S.C. 2302).

11          (2) The term “information concerning weapons  
12 of mass destruction” means information that—

13           (A) would assist in developing, producing,  
14 or using weapons of mass destruction or in  
15 evading the detection or the monitoring of the  
16 development, production, use, or presence of  
17 weapons of mass destruction; or

18           (B) would disclose a vulnerability to the ef-  
19 fects of a weapon of mass destruction.

20 Examples of such information could include informa-  
21 tion that remains current and sensitive, such as but  
22 not limited to, formulas and design descriptions of  
23 lethal and incapacitating materials; maps, designs,  
24 security/emergency response plans, and vulnerability  
25 assessments for facilities containing weapons of

1 mass destruction materials; studies of the effects  
 2 and possible methods of weaponization of weapons of  
 3 mass destruction materials; design details, capabili-  
 4 ties, and application of detection, surveillance, coun-  
 5 termeasures, and measurement equipment or plans;  
 6 United States Government evaluations of response  
 7 plans of State and local governments; and evaluation  
 8 of weapons of mass destruction dispersal systems or  
 9 methods.

10 (e) REPORTING.—Ninety days following the one-year  
 11 anniversary of the effective date of this section, the De-  
 12 partment of Defense will provide to the Department of  
 13 Justice and the Office of Management and Budget a re-  
 14 port detailing the number of FOIA requests received for  
 15 information covered under this section, a description of  
 16 the information requested, and specific actions taken as  
 17 a result of the request.

## 18 **TITLE X—GENERAL PROVISIONS**

### 19 **Subtitle A—Financial Matters**

#### 20 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE** 21 **BUDGET REQUEST FOR PROCUREMENT OF** 22 **RESERVE EQUIPMENT.**

23 Section 114(e) of title 10, United States Code, is re-  
 24 pealed.

1 **SEC. 1002. ACCEPTANCE AND RETENTION OF REIMBURSE-**  
2 **MENT FROM NON-FEDERAL SOURCES TO DE-**  
3 **FRAY DEPARTMENT OF DEFENSE CON-**  
4 **FERENCE COSTS.**

5 (a) IN GENERAL.—Chapter 101 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 2016. Conference funding**

9 “(a) IN GENERAL.—The Secretary of Defense may,  
10 directly or by contract, collect fees from individual or com-  
11 mercial participants in a conference, seminar, exhibition,  
12 symposium or similar meeting (hereinafter referred to col-  
13 lectively as a ‘conference’) conducted by and in the inter-  
14 ests of the Department of Defense. Fees for a conference  
15 shall be established at rates no greater than necessary to  
16 defray the estimated costs of the conference.

17 “(b) CREDITING OF RECEIPTS.—(1) Amounts re-  
18 ceived by the Department under this section shall be cred-  
19 ited to the appropriation from which the conference costs  
20 were paid. Amounts received in excess of actual costs in-  
21 curred shall be deposited into the Treasury as miscella-  
22 neous receipts.

23 “(2) Amounts received by a contractor under this sec-  
24 tion may be used to pay for the expenses of a conference,  
25 to reimburse the Department for conference costs, or to

1 defray other authorized costs under a conference con-  
 2 tract.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of such chapter is amended by adding  
 5 at the end the following new item:

“2016. Conference funding.”.

6 **SEC. 1003. INCREASED FLEXIBILITY IN THE USE OF JOINT**  
 7 **STAFF EXERCISE FUNDS.**

8 Section 166 of title 10, United States Code, is  
 9 amended—

10 (1) in subsection (b)(1), by inserting “, includ-  
 11 ing some service expenses” after “Joint exercises”;  
 12 and

13 (2) by adding at the end the following new sub-  
 14 section:

15 “(d) FUNDING OF EXERCISES.—The funding author-  
 16 ized in this section may include the following:

17 “(1) exercise-related expenses of the Armed  
 18 Forces, to include self-deploying watercraft owned by  
 19 the military departments;

20 “(2) port support activity costs, to include  
 21 transportation and port handling; and

22 “(3) the breakout and operation of  
 23 prepositioned watercraft and lighterage for joint lo-  
 24 gistics over the shore exercises.

1 Any amounts provided by the Chairman of the Joint  
2 Chiefs of Staff during any fiscal year out of such funds  
3 shall be in addition to amounts otherwise available for that  
4 activity for that fiscal year.”.

5 **SEC. 1004. RETENTION AND USE OF PROCEEDS OF SALES**  
6 **OF M109 HOWITZERS UNDER THE ARMS EX-**  
7 **PORT CONTROL ACT TO PROCURE M109-**  
8 **BASED VEHICLES.**

9 Section 114(c)(2) of title 10, United States Code, is  
10 amended—

11 (1) by striking “and” at the end of subpara-  
12 graph (A);

13 (2) by striking the period at the end of sub-  
14 paragraph (B) and inserting “; and”; and

15 (3) by adding at the end the following new sub-  
16 paragraph:

17 “(C) from the sale of M109 howitzers from  
18 stock of the Department of Defense that have  
19 been identified by the Secretary of the Army  
20 and that are neither excess defense articles nor  
21 defense articles intended to be replaced—

22 “(i) shall be deposited into the Pro-  
23 curement of Weapons and Tracked Combat  
24 Vehicles, Army appropriations account and  
25 shall be available—

1 “(I) to purchase a defense article  
2 that has a function similar to the  
3 M109 howitzer sold; or

4 “(II) to procure or upgrade  
5 M109-based vehicles, including resup-  
6 ply and command and control vehi-  
7 cles.

8 “(ii) Such amounts shall be available  
9 for obligation in the fiscal year following  
10 the fiscal year in which they are received,  
11 and for three years thereafter.

12 “(iii) The authority of this subpara-  
13 graph shall expire on September 30,  
14 2012.”.

## 15 **Subtitle B—Naval Vessels and** 16 **Shipyards**

### 17 **SEC. 1011. AUTHORITY TO REQUEST TRANSFER TO FOR-** 18 **EIGN NATIONS BY VESSEL CLASS.**

19 Section 7307(a) of title 10, United States Code, is  
20 amended by inserting “or vessel of that class” after “that  
21 vessel”.

## **Subtitle C—Counter-Drug Activities**

### **SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE DE- PARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER GOV- ERNMENTAL AGENCIES.**

Section 1004(a) of the National Defense Authoriza-  
tion Act for Fiscal Year 1991 (Public Law 101–510; 10  
U.S.C. 374 note), as amended by section 1021 of the Na-  
tional Defense Authorization Act for Fiscal Year 2002  
(Public Law 107–107; 115 Stat. 1212), is further amend-  
ed by striking “2002 through 2006” and inserting “2006  
through 2011”.

### **SEC. 1022. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN CO- LOMBIA.**

Section 1021 of the Ronald W. Reagan National De-  
fense Authorization Act for Fiscal Year 2005 (Public Law  
108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking “2005 and  
2006” and inserting “2007 and 2008”; and

(2) in subsection (c), by striking “2005 and  
2006” and inserting “2007 and 2008”.



1 **SEC. 1023. EXPANSION AND EXTENSION OF AUTHORITY TO**  
 2 **PROVIDE ADDITIONAL SUPPORT FOR**  
 3 **COUNTER DRUG ACTIVITIES.**

4 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
 5 FISCAL YEAR 1997.—Section 1033 of the National De-  
 6 fense Authorization Act for Fiscal Year 1998 (Public Law  
 7 105–85; 111 Stat. 1881), as amended by section 1021 of  
 8 the National Defense Authorization Act for Fiscal Year  
 9 2004, (Public Law 108–136, 117 Stat. 1593) is further  
 10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “shall  
 13 consult with” and inserting “will seek concur-  
 14 rence of”; and

15 (B) in paragraph (2), by striking “2006”  
 16 and inserting “2011”;

17 (2) in subsection (b), by adding at the end of  
 18 the following new paragraphs:

19 “(10) The Government of Azerbaijan.

20 “(11) The Government of Kazakhstan.

21 “(12) The Government of Kyrgyzstan.

22 “(13) The Government of Niger.

23 “(14) The Government of Mauritania.

24 “(15) The Government of Mali.

25 “(16) The Government of Chad.

26 “(17) The Government of Indonesia.

1 “(18) The Government of Philippines.

2 “(19) The Government of Thailand.

3 “(20) The Government of Malaysia.

4 “(21) The Government of Guatemala.

5 “(22) The Government of Belize.

6 “(23) The Government of Panama.”;

7 (3) in subsection (c)(2), by inserting “, vehicles,  
8 aircraft, and detection, interception, monitoring and  
9 testing equipment” after “boats”; and

10 (4) in subsection (e)(2)—

11 (A) by striking “\$40,000,000” and insert-  
12 ing “\$80,000,000”; and

13 (B) by striking “2006” and inserting  
14 “2011”.

15 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
16 FISCAL YEAR 1997.—Section 1031(b) of the National De-  
17 fense Authorization Act for Fiscal Year 1997 (Public Law  
18 104–201; 110 Stat. 2637) is amended—

19 (1) by amending paragraph (3) to read as fol-  
20 lows:

21 “(3) The transfer of nonlethal components, ac-  
22 cessories, attachments, parts (including ground sup-  
23 port equipment), firmware, and software, and re-  
24 lated repair equipment related to the equipment in  
25 paragraph (2).”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(5) The sustainment, including individual and  
4 crew served weapons and ammunition, of  
5 counterdrug security forces.”.

6 **SEC. 1024. DEPARTMENT OF DEFENSE SUPPORT FOR**  
7 **COUNTER DRUG ACTIVITIES.**

8           Section 1021(a) of the National Defense Authoriza-  
9 tion Act for Fiscal Year 2002 (Public Law 107–107; 115  
10 Stat. 1212), is amended by striking “2002 through 2006”  
11 and inserting “2007 through 2011”.

12 **Subtitle D—Matters Related to**  
13 **Homeland Security**

14 **SEC. 1031. DUTIES RELATING TO DEFENSE AGAINST WEAP-**  
15 **ONS OF MASS DESTRUCTION.**

16           Section 12310(c)(1) of title 10, United States Code,  
17 is amended—

18           (1) by striking “or” at the end of subparagraph  
19 (A);

20           (2) by striking the period at the end of sub-  
21 paragraph (B) and inserting “; or”; and

22           (3) by adding at the end the following new sub-  
23 paragraph:

24           “(C) the intentional or unintentional re-  
25 lease of nuclear, biological, radiological, or toxic

1 or poisonous chemical materials likely to result  
2 in catastrophic loss of life or property.”.

3 **SEC. 1032. REPEAL OF CERTAIN LAWS PERTAINING TO THE**  
4 **JOINT COMMITTEE FOR THE REVIEW OF**  
5 **COUNTERPROLIFERATION PROGRAMS.**

6 (a) JOINT COMMITTEE FOR THE REVIEW OF  
7 COUNTERPROLIFERATION PROGRAMS OF THE UNITED  
8 STATES.—Section 1605 of the National Defense Author-  
9 ization Act for Fiscal Year 1994 (title XVI of Public Law  
10 103–160; 22 U.S.C. 2751 note) is repealed.

11 (b) REPORTS ON COUNTERPROLIFERATION ACTIVI-  
12 TIES AND PROGRAMS.—Section 1503 of the National De-  
13 fense Authorization Act for Fiscal Year 1995 (title XV  
14 of Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

15 **SEC. 1033. EXPANSION OF OPERATIONS OF CIVIL SUPPORT**  
16 **TEAMS.**

17 (a) IN GENERAL.—Section 12310(c) of title 10,  
18 United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by amending subparagraph (A) to read  
21 as follows:

22 “(A) the use or threatened use of a weapon of  
23 mass destruction (as defined in section 12304(i)(2)  
24 of this title) in the United States, Canada, or the  
25 United Mexican States;”;

1 (B) in subparagraph (B)—

2 (i) by inserting “, in Canada, or the  
3 United Mexican States” after “United  
4 States”; and

5 (ii) by striking the period at the end  
6 and inserting a semicolon; and

7 (C) by adding at the end the following new  
8 subparagraphs:

9 “(C) the intentional or unintentional release of  
10 nuclear, biological, radiological, or toxic or poisonous  
11 chemical materials in the United States, Canada, or  
12 the United Mexican States that results, or could re-  
13 sult, in catastrophic loss of life or property; or

14 “(D) a natural or manmade disaster in the  
15 United States, Canada, or the United Mexican  
16 States that results, or could result, in catastrophic  
17 loss of life or property.”;

18 (2) by amending paragraph (3) to read as fol-  
19 lows:

20 “(3)(A) A Reserve may perform duties described in  
21 subparagraphs (1)(A), (1)(B), and (1)(C)—

22 “(i) only while assigned to a reserve component  
23 civil support team; and

1           “(ii) if performing those duties in Canada or  
2           the United Mexican States, only after being ordered  
3           to active duty under this title.

4           “(B) A Reserve may perform the duties described in  
5           subparagraph (1)(D)—

6           “(i) only while assigned to a reserve component  
7           civil support team;

8           “(ii) only with the approval of the Secretary of  
9           Defense; and

10          “(iii) if performing those duties in Canada or  
11          the United Mexican States, only after being ordered  
12          to active duty under this title.

13          “(C) Any duties described in paragraph (1) that are  
14          performed in Canada or the United Mexican States may  
15          occur, with consultation of the Secretary of State, at any  
16          distance beyond the United States borders with those  
17          countries as appropriate authorities in those countries  
18          may consent.”; and

19          (3) by adding at the end the following new  
20          paragraph:

21          “(7) In this subsection, the term ‘United States’  
22          means each of the several States, the District of Columbia,  
23          Puerto Rico, Guam, and the Virgin Islands.”.

24          (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
25          Such subsection is further amended—

1 (1) by amending the heading to read as follows:

2 “(c) OPERATIONS RELATING TO DEFENSE AGAINST  
3 WEAPONS OF MASS DESTRUCTION, TERRORIST ATTACKS,  
4 AND NATURAL OR MANMADE DISASTERS.—”;

5 (2) in paragraph (5), by striking “rapid assess-  
6 ment element team” and inserting “civil support  
7 team”; and

8 (3) in paragraph (6)(B), by striking “para-  
9 graph (3)(B)” and inserting “paragraph (3)”.

## 10 **Subtitle E—Other Matters**

### 11 **SEC. 1041. HARMONIZING THE DEFINITION OF NATIONAL** 12 **SECURITY SYSTEM WITHIN THE DEPART-** 13 **MENT OF DEFENSE.**

14 (a) DEFENSE BUSINESS SYSTEMS.—Section  
15 2222(j)(6) of title 10, United States Code, is amended by  
16 striking “in section 2315 of this title” and inserting “by  
17 section 3542(b)(2) of title 44”.

18 (b) INFORMATION TECHNOLOGY.—Section  
19 2223(c)(3) of such title is amended by striking “section  
20 11103 of title 40” and inserting “section 3542(b)(2) of  
21 title 44”.

22 (c) PROCUREMENT OF AUTOMATIC DATA PROC-  
23 ESSING EQUIPMENT AND SERVICES.—Section 2315 of  
24 such title is amended to read as follows:

1 “For the purposes of subtitle III of title 40, the term  
2 ‘national security systems’ has the meaning given that  
3 term by section 3542(b)(2) of title 44.”.

4 **SEC. 1042. AMENDMENT TO DELEGATION AUTHORITY FOR**  
5 **ASSISTANCE IN COMBATING TERRORISM.**

6 Section 127b of title 10, United States Code, is  
7 amended—

8 (1) in subsection (c)—

9 (A) in paragraph (1)(B), by inserting “, or  
10 to a subcombatant commander designated by a  
11 combatant commander and approved by the  
12 designated Under Secretary of Defense under  
13 subparagraph (A)” after “combatant com-  
14 mand”; and

15 (B) in paragraph (2), by striking “\$2,500”  
16 and inserting “\$10,000”; and

17 (2) in subsection (f)(2)(C)—

18 (A) by inserting “and” at the end of clause

19 (i);

20 (B) by striking clause (ii); and

21 (C) by redesignating clause (iii) as clause

22 (ii).



1 **SEC. 1043. DEFENSE ECONOMIC ADJUSTMENT PROGRAM:**  
2 **RESEARCH AND TECHNICAL ASSISTANCE.**

3 Section 2391 of title 10, United States Code, is  
4 amended by inserting after subsection (b) the following  
5 new subsection (c):

6 “(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1)  
7 The Secretary of Defense may make grants, conclude co-  
8 operative agreements, and enter into contracts in order  
9 to conduct research and technical assistance in support  
10 of activities under this section or Executive Order 12788,  
11 as amended.

12 “(2) A grant, cooperative agreement, or contract  
13 under this subsection may be with or to a Federal agency,  
14 a State or local government, or any private entity.”.

15 **TITLE XI—CIVILIAN PERSONNEL**  
16 **MATTERS**

17 **SEC. 1101. PAYMENT OF FULL REPLACEMENT VALUE FOR**  
18 **PERSONAL PROPERTY CLAIMS OF CIVILIANS.**

19 Section 2636a(a) of title 10, United States Code, is  
20 amended by inserting “and Department of Defense civil-  
21 ian employees” after “members of the armed forces”.

1 **TITLE XII—MATTERS RELATING**  
2 **TO FOREIGN NATIONS**  
3 **Subtitle A—Assistance and**  
4 **Training**

5 **SEC. 1201. LOGISTIC SUPPORT OF ALLIED FORCES FOR**  
6 **COMBINED OPERATIONS.**

7 (a) IN GENERAL.—Chapter 3 of title 10, United  
8 States Code, is amended by inserting after section 127b  
9 the following new section:

10 **“§ 127c. Logistic support of allied forces for combined**  
11 **operations**

12 “(a) AUTHORITY.—The Secretary of Defense, with  
13 the concurrence of the Secretary of State, subject to the  
14 limitations of subsections (b) and (c) and notwithstanding  
15 any other provision of law, may use funds available to the  
16 Department of Defense for operations and maintenance  
17 to provide logistic support, supplies, and services, as de-  
18 fined in section 2350(1) of this title, to allied forces par-  
19 ticipating in combined operations with the armed forces  
20 of the United States.

21 “(b) LIMITATIONS.—The authority conferred in sub-  
22 section (a) is limited to—

23 “(1) combined operations during a period of ac-  
24 tive hostilities, a contingency, or a non-combat oper-  
25 ation (including operations in support of the provi-

1 sion of humanitarian or foreign disaster assistance,  
 2 country stabilization operations, or peacekeeping op-  
 3 erations under chapter VI or VII of the Charter of  
 4 the United Nations); and

5 “(2) circumstances in which the Secretary of  
 6 Defense determines the allied forces to be provided  
 7 logistic support, supplies, and services under this  
 8 section are essential to the success of the combined  
 9 operation, and would not be able to participate in  
 10 the combined operation but for the provision of such  
 11 logistic support, supplies, and services.

12 “(c) LIMITATION ON VALUE.—The value of logistic  
 13 support, supplies, and services (including airlift and sea-  
 14 lift) provided under this section may not exceed  
 15 \$100,000,000 in any fiscal year. A maximum of an addi-  
 16 tional \$20,000,000 per year may be provided during the  
 17 periods in subsection (b) or at other times to allied forces  
 18 to ensure interoperability of their logistical support sys-  
 19 tems with those of the United States to facilitate future  
 20 combined operations.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
 22 at the beginning of such chapter is amended by inserting  
 23 after the item relating to section 127b the following new  
 24 item:

“127c. Logistic support of allied forces for combined operations.”.

1 **SEC. 1202. CHANGE TO ACQUISITION AND CROSS SERV-**  
2 **ICING AGREEMENTS DEFINITION TO ALLOW**  
3 **LOAN OF SIGNIFICANT MILITARY EQUIP-**  
4 **MENT.**

5 Section 2350(1) of title 10, United States Code, is  
6 amended by inserting before the period at the end the fol-  
7 lowing: “, except that such items of significant military  
8 equipment may be provided for temporary use, not to ex-  
9 ceed one year, to armed forces of nations participating in  
10 combined operations with United States Forces for per-  
11 sonnel protection or to aid in personnel survivability, if  
12 the Secretary of Defense, with the concurrence of the Sec-  
13 retary of State, determines in writing that it is in the best  
14 interests of the United States to provide such support”.

15 **SEC. 1203. EXPANSION OF HUMANITARIAN AND CIVIC AS-**  
16 **SISTANCE TO INCLUDE DEVELOPING COMMU-**  
17 **NICATIONS AND INFORMATION CAPACITY.**

18 Section 401 of title 10, United States Code, is  
19 amended—

20 (1) in subsection (c), by adding at the end the  
21 following new paragraph:

22 “(5) Expenses covered by paragraph (1) include com-  
23 munications or information systems equipment or supplies  
24 that are to be transferred or otherwise furnished to a for-  
25 eign country in furtherance of the provision of assistance  
26 under this section.”; and

1 (2) in subsection (e), by adding at the end the  
 2 following new paragraph:

3 “(6) Restoring or developing the capacity of the host  
 4 nation’s information and communications technology  
 5 where required to support other humanitarian and civic  
 6 assistance currently being provided, including activities re-  
 7 lating to the furnishing of education, training, and tech-  
 8 nical assistance with respect to information and commu-  
 9 nications technology.”.

## 10 **Subtitle B—Reports**

### 11 **SEC. 1211. RELIEF OF REQUIREMENT TO SUBMIT CERTAIN** 12 **ANNUAL REPORTS TO CONGRESS REGARD-** 13 **ING ALLIED CONTRIBUTIONS TO THE COM-** 14 **MON DEFENSE.**

15 (a) REPEAL OF CERTAIN REPORTS ON ALLIED CON-  
 16 TRIBUTIONS TO THE COMMON DEFENSE.—Section 1003  
 17 of the Department of Defense Authorization Act, 1985  
 18 (Public Law 98–525; 98 Stat. 2576) is amended by strik-  
 19 ing subsections (c) and (d).

20 (b) REPEAL OF COST-SHARING REPORT.—Section  
 21 1313 of the National Defense Authorization Act for Fiscal  
 22 Year 1995 (Public Law 103–337; 108 Stat. 2894) is  
 23 amended—

24 (1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

## **Subtitle C—Other Matters**

### **SEC. 1221. EXCLUSION OF PETROLEUM, OIL AND LUBRICANTS FROM THE LIMITATIONS ON THE AMOUNT OF LIABILITIES THE UNITED STATES MAY ACCRUE UNDER ACQUISITION AND CROSS-SERVICING AGREEMENTS.**

Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) The monetary limitations contained in this section shall not apply to the sale, purchase or exchange of petroleum, oil and lubricants.”.

## **TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

### **SEC. 1301. TEMPORARY AUTHORITY TO WAIVE LIMITATION FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.**

Section 1303(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2094) is amended by striking “shall expire on December 31, 2006, and no waiver shall

1 remain in effect after that date” and inserting “shall ex-  
 2 pire upon completion of the chemical weapons destruction  
 3 facility currently under construction”.

4 **DIVISION B—MILITARY CON-**  
 5 **STRUCTION AUTHORIZA-**  
 6 **TIONS**

7 **SEC. 2001. SHORT TITLE.**

8 This division may be cited as the “Military Construc-  
 9 tion Authorization Act for Fiscal Year 2007”.

10 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 11 **ACQUISITION PROJECTS.**

12 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 13 appropriated pursuant to the authorization of appropria-  
 14 tions in section 2104(a)(1), the Secretary of the Army  
 15 may acquire real property and carry out military construc-  
 16 tion projects for the installations or locations inside the  
 17 United States, and in the amounts set forth in the fol-  
 18 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alaska .....	Fort Richardson .....	\$72,300,000
California .....	Fort Irwin .....	\$10,000,000
Colorado .....	Fort Carson .....	\$24,000,000
Georgia .....	Fort Gillem .....	\$15,000,000
	Fort Stewart/Hunter Army Air Field.	\$95,300,000
Hawaii .....	Schofield Barracks .....	\$54,500,000
Kansas .....	Fort Leavenworth .....	\$15,000,000
	Fort Riley .....	\$37,200,000
Kentucky .....	Blue Grass Army Depot .....	\$3,500,000
	Fort Campbell .....	\$115,400,000

**Army: Inside the United States**—Continued

State	Installation or location	Amount
Missouri .....	Fort Leonard Wood .....	\$17,000,000
New York .....	Fort Drum .....	\$209,200,000
North Carolina .....	Fort Bragg .....	\$89,000,000
	Sunny Point (Military Ocean Terminal).	\$46,000,000
Oklahoma .....	McAlester Army Ammunition Plant.	\$3,050,000
Texas .....	Fort Hood .....	\$75,000,000
Utah .....	Dugway Proving Ground .....	\$14,400,000
Virginia .....	Fort Belvoir .....	\$58,000,000
Washington .....	Fort Lewis .....	\$502,600,000
	Total .....	\$1,456,450,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

Country	Installation or location	Amount
Germany .....	Grafenwoehr .....	\$157,632,000
	Vilseck .....	\$19,000,000
Italy .....	Vicenza .....	\$223,000,000
Japan .....	Okinawa .....	\$7,150,000
Korea .....	Camp Humphreys .....	\$77,000,000
	Yongpyong .....	\$7,400,000
	Total .....	\$491,182,000

8           (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-  
10 tions in section 2104(a)(3), the Secretary of the Army



1 may acquire real property and carry out military construc-  
 2 tion projects for unspecified installations or locations in  
 3 the amount set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation or location	Amount
Classified .....	Unspecified Worldwide .....	\$34,800,000
	Total .....	\$34,800,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using  
 6 amounts appropriated pursuant to the authorization of ap-  
 7 propriations in section 2104(a)(6)(A), the Secretary of the  
 8 Army may construct or acquire family housing units (in-  
 9 cluding land acquisition and supporting facilities) at the  
 10 installations or locations, for the purposes, and in the  
 11 amounts set forth in the following table:

**Army: Family Housing**

State	Installation or loca- tion	Purpose	Amount
Alaska .....	Fort Richardson .....	162 Units .....	\$70,000,000
	Fort Wainwright .....	234 Units .....	\$132,000,000
Arizona .....	Fort Huachuca .....	119 Units .....	\$32,000,000
Arkansas .....	Pine Bluff Arsenal .....	10 Units .....	\$2,900,000
Wisconsin ....	Fort McCoy .....	13 Units .....	\$4,900,000
		Total .....	\$241,800,000

12 (b) PLANNING AND DESIGN.—Using amounts appro-  
 13 priated pursuant to the authorization of appropriations in  
 14 section 2104(a)(6)(A), the Secretary of the Army may

1 carry out architectural and engineering services and con-  
2 struction design activities with respect to the construction  
3 or improvement of family housing units in an amount not  
4 to exceed \$16,332,000.

5 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
6 **UNITS.**

7 Subject to section 2825 of title 10, United States  
8 Code, and using amounts appropriated pursuant to the  
9 authorization of appropriations in section 2104(a)(6)(A),  
10 the Secretary of the Army may improve existing military  
11 family housing units in an amount not to exceed  
12 \$336,859,000.

13 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
15 are hereby authorized to be appropriated for fiscal years  
16 beginning after September 30, 2006, for military con-  
17 struction, land acquisition, and military family housing  
18 functions of the Department of the Army in the total  
19 amount of \$3,331,582,000 as follows:

20 (1) For military construction projects inside the  
21 United States authorized by section 2101(a),  
22 \$1,150,450,000.

23 (2) For military construction projects outside  
24 the United States authorized by section 2101(b),  
25 \$491,182,000.

1           (3) For the military construction projects at  
2           unspecified worldwide locations authorized by section  
3           2101(c), \$34,800,000.

4           (4) For unspecified minor military construction  
5           projects authorized by section 2805 of title 10,  
6           United States Code, \$23,000,000.

7           (5) For architectural and engineering services  
8           and construction design under section 2807 of title  
9           10, United States Code, \$212,830,000.

10          (6) For military family housing functions:

11                (A) For construction and acquisition, plan-  
12                ning and design, and improvement of military  
13                family housing and facilities, \$594,991,000.

14                (B) For support of military family housing  
15                (including the functions described in section  
16                2833 of title 10, United States Code),  
17                \$676,829,000.

18          (7) For the construction of increment 2 of a  
19          barracks complex at Fort Drum, New York, author-  
20          ized by section 2101(a) of the Military Construction  
21          Authorization Act for Fiscal Year 2006 (division B  
22          of Public Law 109–163; 119 Stat. 3485),  
23          \$16,500,000.

24          (8) For the construction of increment 2 of a  
25          barracks complex at Fort Bragg, North Carolina,

1 authorized by section 2101(a) of the Military Con-  
2 struction Authorization Act for Fiscal Year 2006  
3 (division B of Public Law 109–163; 119 Stat.  
4 3485), \$37,000,000.

5 (9) For the construction of increment 2 of a  
6 barracks complex at Fort Bragg, North Carolina,  
7 authorized by section 2101(a) of the Military Con-  
8 struction Authorization Act for Fiscal Year 2006  
9 (division B of Public Law 109–163; 119 Stat.  
10 3485), \$50,000,000.

11 (10) For the construction of increment 2 of a  
12 barracks complex at Fort Bragg, North Carolina,  
13 authorized by section 2101(a) of the Military Con-  
14 struction Authorization Act for Fiscal Year 2006  
15 (division B of Public Law 109–163; 119 Stat.  
16 3485), \$31,000,000.

17 (11) For the construction of phase 2 of the De-  
18 fense Access Road at Fort Belvoir, Virginia, author-  
19 ized by section 2101(a) of the Military Construction  
20 Authorization Act for Fiscal Year 2006 (division B  
21 of Public Law 109–163; 119 Stat. 3486),  
22 \$13,000,000.

23 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
24 PROJECTS.—Notwithstanding the cost variations author-  
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost  
 2 of all projects carried out under section 2101 of this Act  
 3 may not exceed the sum of the following:

4 (1) The total amount authorized to be appro-  
 5 priated under paragraphs (1), (2), and (3) of sub-  
 6 section(a).

7 (2) \$306,000,000 (the balance of the amount  
 8 authorized under section 2101(a) for construction of  
 9 a Brigade Complex for Fort Lewis, Washington).

## 10 **TITLE XXII—NAVY**

### 11 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 12 **ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts  
 14 appropriated pursuant to the authorization of appropria-  
 15 tions in section 2204(a)(1), the Secretary of the Navy may  
 16 acquire real property and carry out military construction  
 17 projects for the installations or locations inside the United  
 18 States, and in the amounts set forth in the following table:

#### **Navy: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma ...	\$5,966,000
California .....	Marine Corps Base, Camp Pen- dleton.	\$112,554,000
	Miramar .....	\$2,968,000
	North Island .....	\$21,535,000
	Twentynine Palms .....	\$8,217,000
Florida .....	Naval Air Station, Pensacola .....	\$13,486,000
Georgia .....	Marine Corps Logistics Base, Al- bany.	\$62,000,000
	Navy Submarine Base, Kings Bay	\$20,282,000
Hawaii .....	Naval Base, Pearl Harbor .....	\$48,338,000

**Navy: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Maryland .....	Naval Air Station, Patuxent River	\$16,316,000
	Suitland .....	\$11,780,000
North Carolina .....	Marine Corps Air Station, New River.	\$21,500,000
	Marine Corps Base, Camp Lejeune	\$160,904,000
South Carolina .....	Marine Corps Air Station, Beaufort	\$22,225,000
Virginia .....	Marine Corps Base, Quantico .....	\$30,628,000
	Naval Station, Norfolk .....	\$75,476,000
Washington .....	Naval Air Station, Whidbey Island	\$57,653,000
	Naval Submarine Base, Bangor .....	\$13,507,000
	Total .....	\$705,335,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amount set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
Diego Garcia .....	Diego Garcia .....	\$37,473,000
Italy .....	Sigonella .....	\$13,051,000
	Total .....	\$50,524,000

7 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
8 appropriated pursuant to the authorization of appropria-  
9 tions in section 2204(a)(3), the Secretary of the Navy may  
10 acquire real property and carry out military construction  
11 projects for unspecified installations or locations in the  
12 amount set forth in the following table:

**Navy: Unspecified Worldwide**

<b>Location</b>	<b>Installation or location</b>	<b>Amount</b>
Various Locations .....	Helicopter Support Facility .....	\$12,185,000
	Hockmuth Hall Addition .....	\$1,400,000
	Total .....	\$13,585,000

**1 SEC. 2202. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2204(a)(6)(A), the Secretary of the  
5 Navy may construct or acquire family housing units (in-  
6 cluding land acquisition and supporting facilities) at the  
7 installations or locations, for the purposes and in the  
8 amount set forth in the following table:

**Navy: Family Housing**

<b>State</b>	<b>Installation or loca- tion</b>	<b>Purpose</b>	<b>Amount</b>
California ....	Marine Corps Logistics Base Barstow.	74 Units .....	\$27,851,000
Guam .....	Naval Station, Guam .....	176 Units .....	\$98,174,000
		Total .....	\$126,025,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 section 2204(a)(6)(A), the Secretary of the Navy may  
12 carry out architectural and engineering services and con-  
13 struction design activities with respect to the construction  
14 or improvement of family housing units in an amount not  
15 to exceed \$2,600,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(a)(6)(A),  
6 the Secretary of the Navy may improve existing military  
7 family housing units in an amount not to exceed  
8 \$176,446,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal years beginning after September 30, 2006, for mili-  
12 tary construction, land acquisition, and military family  
13 housing functions of the Department of the Navy in the  
14 total amount of \$2,085,371,000, as follows:

15 (1) For military construction projects inside the  
16 United States authorized by section 2201(a),  
17 \$814,471,000.

18 (2) For military construction projects outside  
19 the United States authorized by section 2201(b),  
20 \$50,524,000.

21 (3) For military construction projects at un-  
22 specified worldwide locations authorized by section  
23 2201(c), \$23,744,000.

24 (4) For unspecified minor military construction  
25 projects authorized by section 2805 of title 10,  
26 United States Code, \$8,939,000.



1           (5) For architectural and engineering services  
2           and construction design under section 2807 of title  
3           10, United States Code, \$67,861,000.

4           (6) For military family housing functions:

5                 (A) For construction and acquisition, plan-  
6                 ning and design, and improvement of military  
7                 family housing and facilities, \$305,071,000.

8                 (B) For support of military family housing  
9                 (including functions described in section 2833  
10                of title 10, United States Code), \$509,126,000.

11           (7) For the construction of incremented heli-  
12           copter hangar replacement at Jacksonville, Florida,  
13           authorized by section 2201(a) of the Military Con-  
14           struction Authorization Act for Fiscal Year 2006  
15           (division B of Public Law 109–163; 119 Stat.  
16           3489), \$43,250,000.

17           (8) For the construction of Alpha/Bravo  
18           wharves improvements at Naval Station Guam, Mar-  
19           ianas Islands, authorized by section 2201(b) of the  
20           Military Construction Authorization Act for Fiscal  
21           Year 2006 (division B of Public Law 109–163; 119  
22           Stat. 3490), \$29,772,000.

23           (9) For the construction of increment 2 of re-  
24           cruit training barracks infrastructure upgrade at  
25           Recruit Training Command, Great Lakes, Illinois,

1 authorized by section 2201(a) of the Military Con-  
2 struction Authorization Act for Fiscal Year 2006  
3 (division B of Public Law 109–163; 119 Stat.  
4 3490), \$23,589,000.

5 (10) For the construction of increment 2 of the  
6 Wesley Brown Field House at the United States  
7 Naval Academy, Annapolis, Maryland, authorized by  
8 section 2201(a) of the Military Construction Author-  
9 ization Act of Fiscal Year 2006 (division B of Public  
10 Law 109–163; 119 Stat. 3490), \$26,685,000.

11 (11) For the construction of increment 2 of  
12 wharf upgrades at Yokosuka, Japan, authorized by  
13 section 2201(b) of the Military Construction Author-  
14 ization Act of Fiscal Year 2006 (division B of Public  
15 Law 109–163; 119 Stat. 3490), \$44,360,000.

16 (12) For the construction of increment 2 of the  
17 ship repair pier 3 replacement at Naval Station Nor-  
18 folk, Virginia, authorized by section 2201(a) of the  
19 Military Construction Authorization Act of Fiscal  
20 Year 2006 (division B of Public Law 109–163; 119  
21 Stat. 3490), \$30,939,000.

22 (13) For the construction of increment 2 of the  
23 Bachelor Enlisted Quarters Homeport Ashore Pro-  
24 gram at Naval Station Everett, Washington, author-  
25 ized by section 2201(a) of the Military Construction

1 Authorization Act of Fiscal Year 2006 (division B of  
2 Public Law 109–163; 119 Stat. 3490), \$20,917,000.

3 (14) For the construction of phase 2 of the rec-  
4 lamation/conveyance at Marine Corps Base Camp  
5 Pendleton, California, authorized by section 2201(a)  
6 of the Military Construction Authorization Act of  
7 Fiscal Year 2006 (division B of Public Law 109–  
8 163; 119 Stat. 3490), \$33,290,000.

9 (15) For the construction of the next increment  
10 of the outlying landing field facilities at Wash-  
11 ington County, North Carolina, authorized by sec-  
12 tion 2201(a) of the Military Construction Authoriza-  
13 tion Act of Fiscal Year 2005 (division B of Public  
14 Law 108–375; 118 Stat. 2100), \$7,926,000.

15 (16) For the construction of increment 3 of the  
16 limited area production and storage complex at  
17 Naval Submarine Base Bangor, Washington, author-  
18 ized by section 2201(a) of the Military Construction  
19 Authorization Act of Fiscal Year 2005 (division B of  
20 Public Law 108–375; 118 Stat. 2100), \$14,274,000.

21 (17) For the construction of increment 4 of pier  
22 11 replacement at Naval Station Norfolk, Virginia,  
23 authorized by section 2201(a) of the Military Con-  
24 struction Authorization Act for Fiscal Year 2004

1 (division B of Public Law 108–136; 117 Stat.  
2 1704), \$30,633,000.

3 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4 **CERTAIN FISCAL YEAR 2004 AND 2005**  
5 **PROJECTS.**

6 (a) FISCAL YEAR 2004 INSIDE THE UNITED STATES  
7 PROJECT.—The table in section 2201(a) of the Military  
8 Construction Authorization Act for Fiscal Year 2004 (di-  
9 vision B of Public Law 108–136; 117 Stat. 1704), as  
10 amended by section 2205 of the Military Construction Au-  
11 thorization Act for Fiscal Year 2006 (division B of Public  
12 Law 109–163; 119 Stat. 3492), is further amended—

13 (1) in the item relating to Various Locations,  
14 CONUS, by striking “\$56,360,000” and inserting  
15 “\$193,260,000”; and

16 (2) by striking the amount identified as the  
17 total in the amount column and inserting  
18 “\$1,489,424,000”.

19 (b) FISCAL YEAR 2005 INSIDE THE UNITED STATES  
20 PROJECT.—The table in section 2201(a) of the Military  
21 Construction Authorization Act for Fiscal Year 2005 (di-  
22 vision B of Public Law 108–375; 118 Stat. 2105), as  
23 amended by section 2206 of the Military Construction Au-  
24 thorization Act for Fiscal Year 2006 (division B of Public  
25 Law 109–163; 119 Stat. 3493), is further amended—

1           (1) by striking the item relating to Navy Out-  
2       lying Landing Field, Washington County; and

3           (2) by striking the amount identified as the  
4       total in the amount column and inserting  
5       “\$825,479,000”.

6       (c) CONFORMING AMENDMENTS.—(1) Section  
7       2204(b)(6) of the Military Construction Authorization Act  
8       for Fiscal Year 2004 (division B of Public Law 108–136;  
9       117 Stat. 1706) is amended by striking “\$28,750,000”  
10      and inserting “\$165,650,000”.

11      (2) Section 2204 of the Military Construction Au-  
12      thorization Act for Fiscal Year 2005 (division B of Public  
13      Law 108–375; 118 Stat. 2107) is amended—

14           (A) in subsection (a), by adding at the end the  
15      following new paragraph:

16           “(10) For the construction of increment 2 of  
17      Various Locations, CONUS, authorized by section  
18      2201(a) of the Military Construction Authorization  
19      Act for Fiscal Year 2004 (division B of Public Law  
20      108–136; 117 Stat. 1704), \$30,000,000”; and

21           (B) in subsection (b), by striking paragraph  
22      (3).

# **TITLE XXIII—AIR FORCE**

## **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

### **Air Force: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alaska .....	Eielson Air Force Base .....	\$38,300,000
	Elmendorf Air Force Base .....	\$56,100,000
Arizona .....	Davis-Monthan Air Force Base .....	\$4,600,000
California .....	Beale Air Force Base .....	\$28,000,000
	Travis Air Force Base .....	\$73,900,000
Colorado .....	Buckley Air Force Base .....	\$10,700,000
	Schriever Air Force Base .....	\$21,000,000
Delaware .....	Dover Air Force Base .....	\$26,400,000
Florida .....	Eglin Air Force Base .....	\$19,350,000
	Hurlburt Field .....	\$32,950,000
	MacDill Air Force Base .....	\$71,000,000
	Tyndall Air Force Base .....	\$1,800,000
Georgia .....	Robins Air Force Base .....	\$38,600,000
Hawaii .....	Hickam Air Force Base .....	\$28,538,000
Illinois .....	Scott Air Force Base .....	\$20,000,000
Kentucky .....	Fort Knox .....	\$3,500,000
Maryland .....	Andrews Air Force Base .....	\$29,000,000
Nevada .....	Indian Springs Air Force Auxiliary Field.	\$49,923,000
New Jersey .....	McGuire Air Force Base .....	\$15,500,000
Oklahoma .....	Altus Air Force Base .....	\$1,500,000
South Carolina .....	Shaw Air Force Base .....	\$22,200,000
Texas .....	Fort Bliss .....	\$8,500,000
	Lackland Air Force Base .....	\$13,200,000
Utah .....	Hill Air Force Base .....	\$53,400,000
Virginia .....	Langley Air Force Base .....	\$57,700,000
Wyoming .....	Francis E Warren Air Force Base	\$11,000,000

**Air Force: Inside the United States**—Continued

State	Installation or location	Amount
	Total .....	\$736,661,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Germany .....	Ramstein Air Base .....	\$53,150,000
Guam .....	Andersen Air Force Base .....	\$80,800,000
Korea .....	Kunsan Air Base .....	\$46,700,000
	Osan Air Base .....	\$2,156,000
	Total .....	\$182,806,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or location	Amount
Worldwide Unspecified.	Common Battlefield Airman Training Complex.	\$14,200,000

**Air Force: Unspecified Worldwide**—Continued

<b>Location</b>	<b>Installation or location</b>	<b>Amount</b>
Worldwide Classified	Global Hawk Aircraft Maintenance & Operations Complex.	\$26,000,000
	Classified Project .....	\$3,377,000
	Classified—Special Evaluation Program.	\$4,600,000
	Classified .....	\$1,700,000
	Total .....	\$49,877,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2304(a)(5)(A), the Secretary of the  
5 Air Force may construct or acquire family housing units  
6 (including land acquisition and supporting facilities) at the  
7 installations or locations, for the purposes, and in the  
8 amounts set forth in the following table:

**Air Force: Family Housing**

<b>State</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
Alaska .....	Eielson Air Force Base ...	129 Units .....	\$87,414,000
Idaho .....	Mountain Home Air Force Base.	457 Units .....	\$107,800,000
Missouri .....	Whiteman Air Force Base.	116 Units .....	\$39,270,000
Montana .....	Malmstrom Air Force Base.	493 Units .....	\$140,252,000
North Carolina.	Seymour Johnson Air Force Base.	56 Units .....	\$22,956,000
North Dakota.	Minot Air Force Base .....	575 Units .....	\$171,188,000
Texas .....	Dyess Air Force Base .....	199 Units .....	\$49,215,000
Germany .....	Ramstein Air Base .....	101 Units .....	\$73,488,000
	Spangdahlem Air Base ...	60 Units .....	\$39,294,000
United Kingdom.	Royal Air Force Lakenheath.	74 Units .....	\$35,282,000
		Total .....	\$766,159,000



1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(6)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$13,202,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2304(a)(6)(A),  
13 the Secretary of the Air Force may improve existing mili-  
14 tary family housing units in an amount not to exceed  
15 \$403,727,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal years beginning after September 30, 2006, for mili-  
20 tary construction, land acquisition, and military family  
21 housing functions of the Department of the Air Force in  
22 the total amount of \$3,094,357,000, as follows:

23 (1) For military construction projects inside the  
24 United States authorized by section 2301(a),  
25 \$736,661,000.

1           (2) For military construction projects outside  
2           the United States authorized by section 2301(b),  
3           \$182,806,000.

4           (3) For the military construction projects at  
5           unspecified worldwide locations authorized by section  
6           2301(c), \$49,877,000.

7           (4) For unspecified minor military construction  
8           projects authorized by section 2805 of title 10,  
9           United States Code, \$15,000,000.

10          (5) For architectural and engineering services  
11          and construction design under section 2807 of title  
12          10, United States Code, \$87,504,000.

13          (6) For military family housing functions:

14                (A) For construction and acquisition, plan-  
15                ning and design, and improvement of military  
16                family housing and facilities, \$1,183,138,000.

17                (B) For support of military family housing  
18                (including functions described in section 2833  
19                of title 10, United States Code), \$755,071,000.

20          (7) For the construction of phase 2 of the C-  
21          17 maintenance complex at Elmendorf Air Force  
22          Base, Alaska, authorized by section 2301(a) of the  
23          Military Construction Authorization Act for Fiscal  
24          Year 2006 (division B of Public Law 109–163; 119  
25          Stat. 3494), \$30,000,000.

1           (8) For the construction of phase 2 of the main  
 2       base runway at Edwards Air Force Base, California,  
 3       authorized by section 2301(a) of the Military Con-  
 4       struction Authorization Act for Fiscal Year 2006  
 5       (division B of Public Law 109–163; 119 Stat.  
 6       3494), \$31,000,000.

7           (9) For the construction of phase 2 of the  
 8       CENTCOM Joint Intelligence Center at MacDill Air  
 9       Force Base, Florida, authorized by section 2301(a)  
 10      of the Military Construction Authorization Act for  
 11      Fiscal Year 2006 (division B of Public Law 109–  
 12      163; 119 Stat. 3494), \$23,300,000.

## 13                   **TITLE XXIV—DEFENSE** 14                   **AGENCIES**

### 15   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 16                   **TION AND LAND ACQUISITION PROJECTS.**

17       (a) **INSIDE THE UNITED STATES.**—Using amounts  
 18      appropriated pursuant to the authorization of appropria-  
 19      tions in section 2404(a)(1), the Secretary of Defense may  
 20      acquire real property and carry out military construction  
 21      projects for the installations or locations inside the United  
 22      States, and in the amounts set forth in the following table:

#### **Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Education Activity.	Fort Knox, Kentucky .....	\$18,108,000

**Defense Agencies: Inside the United States—Continued**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Logistics Agency.	Marine Corps Air Station Yuma, Arizona.	\$8,715,000
	Beale Air Force Base, California	\$9,000,000
	Defense Distribution Depot, New Cumberland, Pennsylvania.	\$8,900,000
	Fort Belvoir, Virginia .....	\$5,500,000
	Naval Air Station Whidbey Island, Washington.	\$26,000,000
National Security Agency.	Augusta, Georgia .....	\$340,836,000
	Fort Meade, Maryland .....	\$4,517,000
	Marine Corps Base Camp Pendleton, California.	\$24,400,000
Special Operations Command.	Fort Carson, Colorado .....	\$26,100,000
	Hurlburt Field, Florida .....	\$14,482,000
	MacDill Air Force Base, Florida	\$27,300,000
	Fort Campbell, Kentucky .....	\$24,500,000
	Fort Bragg, North Carolina .....	\$60,144,000
Tri-Care Management Activity.	Marine Corps Base Camp Lejeune, North Carolina.	\$51,600,000
	Naval Air Base Little Creek, Virginia.	\$22,000,000
	Fort Richardson, Alaska .....	\$37,200,000
	Fort Irwin, California .....	\$6,050,000
	Jacksonville, Florida .....	\$16,000,000
	MacDill Air Force Base, Florida	\$87,000,000
	Naval Base Pearl Harbor, Hawaii	\$7,700,000
	Naval Hospital Great Lakes, Illinois.	\$20,000,000
	Fort Detrick, Maryland .....	\$550,000,000
	Fort Drum, New York .....	\$9,700,000
	Fort Hood, Texas .....	\$18,000,000
	Total .....	\$1,423,752,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the

1 United States, and in the amounts set forth in the fol-  
 2 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Education Activity.	Camp Ederle, Italy .....	\$31,460,000
	Vicenza, Italy .....	\$15,750,000
	Osan Air Base, Korea .....	\$4,589,000
	Naval Station Rota, Spain .....	\$23,048,000
Defense Logistics Agency.	Okinawa, Japan .....	\$5,000,000
	Wake Island .....	\$2,600,000
Missile Defense Agency.	Kwajalien Atoll, Kwajalien .....	\$7,592,000
National Security Agency.	Royal Air Force Menwith Hall Station, United Kingdom.	\$1,398,000
Special Operations Command.	Qatar .....	\$44,500,000
Tri-Care Management Activity.	Vicenza, Italy .....	\$52,000,000
	Total .....	\$187,937,000

3 **SEC. 2402. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2404(a)(9)(A), the Secretary of the  
 7 Defense may construct or acquire family housing units  
 8 (including land acquisition and supporting facilities) at the  
 9 installations or locations, for the purposes, and in the  
 10 amounts set forth in the following table:

**Defense Agencies: Family Housing**

<b>State</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
Virginia .....	Richmond International Airport.	25 Units .....	\$7,840,000

**Defense Agencies: Family Housing**—Continued

State	Installation or location	Purpose	Amount
		Total .....	\$7,840,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2404(a)(9)(A), the Secretary of the Defense may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$484,000.

8 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-  
10 ization of appropriations in section 2404(a)(6), the Sec-  
11 retary of Defense may carry out energy conservation  
12 projects under section 2865 of title 10, United States  
13 Code, in the amount of \$60,000,000.

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
15 **FENSE AGENCIES.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2006, for mili-  
18 tary construction, land acquisition, and military family  
19 housing functions of the Department of Defense (other  
20 than the military departments) in the total amount of  
21 \$7,085,455,000, as follows:

1           (1) For military construction projects inside the  
2       United States authorized by section 2401(a),  
3       \$669,034,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2401(b),  
6       \$217,175,000.

7           (3) For unspecified minor military construction  
8       projects under section 2805 of title 10, United  
9       States Code, \$21,672,000.

10          (4) For contingency construction projects of the  
11       Secretary of Defense under section 2804 of title 10,  
12       United States Code, \$10,000,000.

13          (5) For architectural and engineering services  
14       and construction design under section 2807 of title  
15       10, United States Code, \$172,150,000.

16          (6) For Energy Conservation projects author-  
17       ized by section 2403, \$60,000,000.

18          (7) For base closure and realignment activities  
19       funded through the account created pursuant to sec-  
20       tion 2906 of, and authorized by, the Defense Base  
21       Closure and Realignment Act of 1990 (part A of  
22       title XXIX of Public Law 101–510, as amended; 10  
23       U.S.C. 2687 note), \$191,220,000.

24          (8) For base closure and realignment activities  
25       funded through the account created pursuant to sec-

1       tion 2906A of, and authorized by, the Defense Base  
2       Closure and Realignment Act of 1990 (part A of  
3       title XXIX of Public Law 101–510, as amended; 10  
4       U.S.C. 2687 note), \$5,626,223,000.

5           (9) For military family housing functions:

6               (A) For construction and acquisition, plan-  
7               ning and design, and improvement of military  
8               family housing and facilities, \$8,808,000.

9               (B) For support of military family housing  
10              (including functions described in section 2833  
11              of title 10, United States Code), \$48,506,000.

12              (C) For credit to the Department of De-  
13              fense Family Housing Improvement Fund es-  
14              tablished by section 2883(a)(1) of title 10,  
15              United States Code, \$2,500,000.

16       (10) For the construction of NSA/CSS Hawaii  
17       replacement at Kunia, Hawaii, authorized by section  
18       2401(a) of the Military Construction Authorization  
19       Act of Fiscal Year 2006 (division B of Public Law  
20       109–163; 119 Stat. 3497), \$47,016,000.

21       (11) For the construction of increment 2 of the  
22       classified material conversion facility at Fort Meade,  
23       Maryland, authorized by section 2401(a) of the Mili-  
24       tary Construction Authorization Act of Fiscal Year



1       2006 (division B of Public Law 109–163; 119 Stat.  
2       3497), \$11,151,000.

3   **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4                   **CERTAIN FISCAL YEAR 2006 PROJECT.**

5       The table in section 2401(a) of the Military Construc-  
6   tion Authorization Act for Fiscal Year 2006 (division B  
7   of Public Law 109–163; 119 Stat. 3497) is amended  
8   under the agency heading relating to National Security  
9   Agency, in the item relating to Kunia, Hawaii, by striking  
10   “\$305,000,000” in the amount column and inserting  
11   “\$350,490,000”.

12   **TITLE XXV—NORTH ATLANTIC**  
13       **TREATY ORGANIZATION SE-**  
14       **CURITY INVESTMENT PRO-**  
15       **GRAM**

16   **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
17                   **ACQUISITION PROJECTS.**

18       The Secretary of Defense may make contributions for  
19   the North Atlantic Treaty Organization Security Invest-  
20   ment Program as provided in section 2806 of title 10,  
21   United States Code, in an amount not to exceed the sum  
22   of the amount authorized to be appropriated for this pur-  
23   pose in section 2502 and the amount collected from the  
24   North Atlantic Treaty Organization as a result of con-  
25   struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal years beginning after September 30, 2006, for con-  
4 tributions by the Secretary of Defense under section 2806  
5 of title 10, United States Code, for the share of the United  
6 States of the cost of projects for the North Atlantic Treaty  
7 Organization Security Investment Program authorized by  
8 section 2501, in the amount of \$220,985,000.

9 **TITLE XXVI—CHEMICAL DEMILI-**  
10 **TARIZATION CONSTRUCTION,**  
11 **DEFENSE**

12 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
13 **ICAL DEMILITARIZATION.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal years beginning after September 30, 2006, for mili-  
16 tary construction and land acquisition for Chemical De-  
17 militarization in the total amount of \$130,993,000, as fol-  
18 lows:

19 (1) For the construction of phase 8 of a muni-  
20 tions demilitarization facility at Pueblo Chemical Ac-  
21 tivity, Colorado, authorized by section 2401(a) of the  
22 Military Construction Authorization Act for Fiscal  
23 Year 1997 (division B of Public Law 104–201; 110  
24 Stat. 2775), as amended by section 2406 of the Mili-  
25 tary Construction Authorization Act for Fiscal Year  
26 2000 (division B of Public Law 106–65; 113 Stat.

839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2697), \$41,836,000.

(2) For the construction of phase 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2697), \$89,157,000.

## **TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES**

### **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, and for contributions therefor, under chapter 1803 of title

1 10, United States Code (including the cost of acquisition  
2 of land for those facilities), in the following amounts:

3 (1) For the Department of the Army—

4 (A) for the Army National Guard of the  
5 United States, \$473,197,000; and

6 (B) for the Army Reserve, \$166,487,000.

7 (2) For the Department of the Navy, for the  
8 Navy and Marine Corps Reserve, \$48,408,000.

9 (3) For the Department of the Air Force—

10 (A) for the Air National Guard of the  
11 United States, \$125,788,000; and

12 (B) for the Air Force Reserve,  
13 \$44,936,000.

14 **TITLE XXVIII—EXPIRATION AND**  
15 **EXTENSION OF AUTHORIZA-**  
16 **TIONS**

17 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND**  
18 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
19 **LAW.**

20 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
21 YEARS.—Except as provided in subsection (b), all author-  
22 izations contained in titles XXI through XXVIII for mili-  
23 tary construction projects, land acquisition, family housing  
24 projects and facilities, and contributions to the North At-  
25 lantic Treaty Organization Security Investment Program

1 (and authorizations of appropriations therefor) shall ex-  
2 pire on the later of—

3 (1) October 1, 2009; or

4 (2) the date of the enactment of an Act author-  
5 izing funds for military construction for fiscal year  
6 2010.

7 (b) EXCEPTION.—Subsection (a) shall not apply to  
8 authorizations for military construction projects, land ac-  
9 quisition, family housing projects and facilities, and con-  
10 tributions to the North Atlantic Treaty Organization Se-  
11 curity Investment Program (and authorizations of appro-  
12 priations therefor), for which appropriated funds have  
13 been obligated before the later of—

14 (1) October 1, 2009; or

15 (2) the date of the enactment of an Act author-  
16 izing funds for fiscal year 2010 for military con-  
17 struction projects, land acquisition, family housing  
18 projects and facilities, or contributions to the North  
19 Atlantic Treaty Organization Security Investment  
20 Program.

21 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
22 **FISCAL YEAR 2004 PROJECTS.**

23 (a) EXTENSION.—Notwithstanding section 2701 of  
24 the Military Construction Authorization Act for Fiscal  
25 Year 2004 (division B of Public Law 108–136; 117 Stat.

1 1704), authorizations set forth in the tables in subsection  
 2 (b), as provided in sections 2101, 2301, 2302, 2401, and  
 3 2701 of that Act, shall remain in effect until October 1,  
 4 2007, or the date of the enactment of an Act authorizing  
 5 funds for military construction for fiscal year 2008, which-  
 6 ever is later.

7 (b) TABLES.—The tables referred to in subsection (a)  
 8 are as follows:

**Army: Extension of 2004 Project Authorizations**

State	Installation or location	Project	Amount
Alaska .....	Fort Wainwright .....	Multi-purpose Training Range Complex.	\$47,000,000
Hawaii .....	Helemano Military Reservation.	Land Easement.	\$1,400,000
Massachusetts.	Natick Soldier System Center.	Thermal Test Facility.	\$5,500,000
Virginia .....	Fort Belvoir .....	NGIC Land Acquisition.	\$7,000,000
	Fort Lee .....	Fire & Emergency Services Center (Ph 2).	\$3,850,000
Italy .....	Aviano .....	Joint Deployment Facility (Ph 1).	\$15,500,000

**Air Force: Extension of 2004 Project Authorizations**

State	Installation or location	Project	Amount
California ....	Travis Air Force Base ....	Replace Family Housing (56 units).	\$12,723,000
Delaware .....	Dover Air Force Base .....	Replace Family Housing (112 units).	\$19,601,000

**Air Force: Extension of 2004 Project  
Authorizations—Continued**

State	Installation or location	Project	Amount
Florida .....	Eglin Air Force Base .....	Replace Family Housing (279 units).	\$32,166,000
Hawaii .....	Hickam Air Force Base ..	Expand Strategic Airlift Parking Ramp.	\$10,102,000
Texas .....	Dyess Air Force Base .....	Replace Family Housing (116 units).	\$19,973,000
	Randolph Air Force Base	Replace Family Housing (96 units).	\$13,754,000

**Defense Wide: Extension of 2004 Project  
Authorizations**

Agency	Installation or location	Project	Amount
Defense Logistics Agency.	Hickam AFB, Hawaii .....	Replace Hydrant Fuel System.	\$14,100,000

**Army National Guard: Extension of 2004 Project  
Authorizations**

State	Installation or location	Project	Amount
New Mexico	Albuquerque .....	Readiness Center, Add/Alt (ADRS).	\$2,533,000
Pennsylvania	Fort Indiantown Gap .....	Multi-purpose Training Range.	\$15,338,000

**1 SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
**2 FISCAL YEAR 2003 PROJECTS.**

**3 (a) EXTENSION.**—Notwithstanding section 2701 of  
**4 the Military Construction Authorization Act for Fiscal**

1 Year 2003 (division B of Public Law 107–314; 116 Stat.  
2 2681), authorizations set forth in the tables in subsection  
3 (b), as provided in section 2302 of that Act, shall remain  
4 in effect until October 1, 2006, or the date of the enact-  
5 ment of an Act authorizing funds for military construction  
6 for fiscal year 2007, whichever is later.

7 (b) TABLES.—The tables referred to in subsection (a)  
8 are as follows:

**Air Force: Extension of 2003 Project Authorizations**

State	Installation or location	Project	Amount
Florida .....	Eglin Air Force Base .....	Replace Family Housing (134 units).	\$15,906,000
	Eglin Air Force Base .....	Replace Housing Office.	\$597,000
Mississippi ...	Keesler Air Force Base ...	Replace Family Housing (117 units).	\$16,505,000
Texas .....	Randolph Air Force Base	Replace Family Housing (112 units).	\$14,311,000
	Randolph Air Force Base	Replace Family Housing Maintenance Facility.	\$447,000



1           **TITLE XXIX—GENERAL**  
2                   **PROVISIONS**  
3   **Subtitle A—Military Construction**  
4       **Program and Military Family**  
5       **Housing Changes**

6   **SEC. 2901. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

9       (a) IN GENERAL.—Chapter 169 of title 10, United  
10 States Code, is amended by inserting after section 2809  
11 the following new section:

12   **“§ 2810. Authority to use operation and maintenance**  
13               **funds for construction projects outside**  
14               **the United States**

15       “(a) IN GENERAL.—The Secretary of Defense may  
16 obligate appropriated funds available for operation and  
17 maintenance to carry out a construction project outside  
18 the United States that the Secretary determines meets  
19 each of the following conditions:

20           “(1) The construction is necessary to meet ur-  
21       gent military operational requirements involving the  
22       use of the armed forces in support of a declaration  
23       of war, the declaration by the President of a na-  
24       tional emergency under section 201 of the National

1       Emergencies Act (50 U.S.C. 1621), or a contingency  
2       operation.

3           “(2) The requirement is of a temporary nature,  
4       such that there is no intention of using the construc-  
5       tion after the operational requirements have been  
6       satisfied.

7           “(3) The level of construction is the minimum  
8       necessary to meet the temporary operational require-  
9       ments.

10       “(b) LIMITATION ON USE OF AUTHORITY.—(1) The  
11   total cost of the construction projects carried out under  
12   this section shall not exceed \$200,000,000 in any fiscal  
13   year.

14       “(2) The Secretary of Defense may waive the limita-  
15   tion imposed by paragraph (1) if the Secretary determines  
16   that the obligation of operation and maintenance funds  
17   for construction projects in excess of the amount specified  
18   in such paragraph is vital to the national security.

19       “(3) Upon use of the waiver authority granted by  
20   paragraph (2), the Secretary shall notify the Office of  
21   Management and Budget of the amounts of operation and  
22   maintenance funds obligated in excess of \$200,000,000  
23   along with a description of the projects so funded.

24       “(c) RELATION TO OTHER AUTHORITIES.—The au-  
25   thority provided by this section, and the limited authority

1 provided by section 2805(c) of this title, are the only au-  
 2 thorities available to the Secretary of Defense and the Sec-  
 3 retaries of the military departments to use appropriated  
 4 funds available for operation and maintenance to carry out  
 5 construction projects.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
 7 at the beginning of such chapter is amended by inserting  
 8 after the item relating to section 2809 the following new  
 9 item:

“2810. Authority to use operation and maintenance funds for construction  
 projects outside the United States.”.

10 **SEC. 2902. PILOT PROJECTS FOR ACQUISITION OR CON-**  
 11 **STRUCTION OF MILITARY UNACCOMPANIED**  
 12 **HOUSING.**

13 Section 2881a of title 10, United States Code, is  
 14 amended—

15 (1) in subsection (d)(2), by striking “90” and  
 16 inserting “30”;

17 (2) in subsection (e)(2), by striking “90” and  
 18 inserting “30”; and

19 (3) in subsection (f), by striking “2007” and  
 20 inserting “2009”.

1 **SEC. 2903. AUTHORIZE USE OF OPERATION AND MAINTENANCE FUNDS TO CARRY OUT MINOR CONSTRUCTION NECESSARY TO REPLACE DAMAGED OR DESTROYED FACILITIES.**

2  
3  
4  
5 Section 2854 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(c) The Secretary concerned may spend from appro-  
9 priations available for operations and maintenance  
10 amounts necessary to carry out a construction project  
11 under this section costing not more than \$7,500,000.”.

12 **SEC. 2904. ALTERNATIVE USE OF PROCEEDS FROM THE SALE OF MILITARY FAMILY HOUSING IN SUPPORT OF THE MILITARY HOUSING PRIVATIZATION INITIATIVE.**

13  
14  
15  
16 (a) TRANSFER FLEXIBILITY.—Section 2831 of title  
17 10, United States Code, is amended—

18 (1) in subsection (b), by striking “There” and  
19 inserting “Except as provided in subsection (e),  
20 there”;

21 (2) by redesignating subsections (e) and (f) as  
22 subsections (f) and (g), respectively; and

23 (3) by inserting after subsection (d) the fol-  
24 lowing new subsection (e):

25 “(e) The Secretary concerned may transfer funds re-  
26 ceived under paragraph (3) of subsection (b) to the De-

1 partment of Defense Family Housing Improvement Fund  
 2 established under subsection (a) of section 2883 of this  
 3 title.”.

4 (b) EXPANSION OF CREDITS AND NOTIFICATION RE-  
 5 QUIREMENT.—Section 2883 of such title is amended—

6 (1) in subsection (c), by adding at the end of  
 7 paragraph (1) the following new subparagraph:

8 “(G) Subject to subsection (f), any amounts  
 9 from the proceeds of handling or disposal of family  
 10 housing of a military department transferred to that  
 11 Fund pursuant to section 2831(e) of this title.”; and

12 (2) in subsection (f), by inserting “, (1)(G)”  
 13 after “Fund under paragraph (1)(B)”.

14 **SEC. 2905. UPDATING FOREIGN CURRENCY FLUCTUATION**  
 15 **ADJUSTMENT FOR MILITARY FAMILY HOUS-**  
 16 **ING LEASES IN FOREIGN COUNTRIES.**

17 Section 2828(e)(5)(A) of title 10, United States  
 18 Code, is amended by striking “for foreign currency fluc-  
 19 tuations from October 1, 1987” and inserting “at the be-  
 20 ginning of each fiscal year, for foreign currency fluctua-  
 21 tions during the previous fiscal year”.

22 **SEC. 2906. MILITARY UNACCOMPANIED HOUSING: LOCAL**  
 23 **COMPARABILITY OF FLOOR AREAS.**

24 (a) IN GENERAL.—Section 2856 of title 10, United  
 25 States Code, is amended to read as follows:

1 **“§ 2856. Military unaccompanied housing: local com-**  
 2 **parability of floor areas**

3 “In the construction, acquisition, and improvement of  
 4 military unaccompanied housing, the Secretary concerned  
 5 shall ensure that the floor areas of such housing in a par-  
 6 ticular locality (as designated by the Secretary concerned  
 7 for purposes of this section) do not exceed the floor areas  
 8 of similar housing in the private sector in that locality.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 169 of such title is amended  
 11 by striking the item related to section 2856 and inserting  
 12 the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.

13 **SEC. 2907. FLEXIBLE FINANCING OF HOUSING PRIVATIZA-**  
 14 **TION INITIATIVE.**

15 Section 2883(d) of title 10, United States Code, is  
 16 amended by adding at the end the following new para-  
 17 graph:

18 “(4) Notwithstanding the requirement in paragraphs  
 19 (1) and (2) for authority in an appropriation Act to ex-  
 20 pend amounts in the Funds, amounts credited to the  
 21 Funds under paragraphs (1)(C), (1)(D), (2)(C), and  
 22 (2)(D) in subsection (c) may be used to carry out or facili-  
 23 tate the carrying out of a transaction as authorized by  
 24 section 2872 after the end of the 30-day period beginning  
 25 on the date the Secretary of Defense submits written no-

1 tice of, and justification for, the use of such amounts to  
 2 the appropriate committees of Congress or, if earlier, the  
 3 end of the 14-day period beginning on the date on which  
 4 a copy of the notice and justification is provided in an  
 5 electronic medium pursuant to section 480 of this title.”.

6 **SEC. 2908. STREAMLINING MILITARY CONSTRUCTION**  
 7 **THRESHOLDS.**

8 (a) EMERGENCY CONSTRUCTION.—Section  
 9 2803(c)(1) of title 10, United States Code, is amended  
 10 by striking “\$45,000,000” and inserting “\$60,000,000”.

11 (b) MINOR CONSTRUCTION THRESHOLDS.—Section  
 12 2805 of such title is amended—

13 (1) in subsection (a)(1)—

14 (A) by striking “\$1,500,000” and inserting  
 15 “\$3,000,000”; and

16 (B) by striking the third sentence;

17 (2) in subsection (b)(1), by striking “\$750,000”  
 18 and inserting “\$1,500,000 (\$3,000,000 for a med-  
 19 ical facility)”;

20 (3) in subsection (c)(1)—

21 (A) in subparagraph (A)—

22 (i) by striking “\$1,500,000” and in-  
 23 serting “\$3,000,000”;

24 (ii) by inserting “for a medical facility  
 25 or” after “project”; and

1 (iii) by striking “or” at the end; and

2 (B) in subparagraph (B)—

3 (i) by striking “\$750,000” and insert-

4 ing “\$1,500,000”; and

5 (ii) by striking the period at the end

6 and inserting “; or”; and

7 (4) by adding at the end the following new sub-

8 paragraph:

9 “(C) \$2,000,000, in cases where the disposal of  
10 obsolete facilities as part of the project results in a  
11 reduction in facility value at least equal to the value  
12 of the new facility. The approving official must cer-  
13 tify the demolition (or disposal by other means) of  
14 the offsetting facility.”.

15 **SEC. 2909. INCREASED LEASE AMOUNT FOR TWO HOUSING**  
16 **UNITS FOR UNITED STATES SPECIAL OPER-**  
17 **ATIONS COMMAND SOUTH.**

18 Section 2828(b) of title 10, United States Code, is  
19 amended—

20 (1) in paragraph (2)—

21 (A) by striking “paragraphs (3) and (4)”

22 and inserting “paragraphs (3), (4), and (5)”;

23 and

24 (B) by striking “paragraph (5)” and in-

25 serting “paragraph (6)”;



1           (2) in paragraph (3), by striking “paragraph  
2           (5)” and inserting “paragraph (6)”;

3           (3) in paragraph (4)(B), by striking “para-  
4           graph (6)” and inserting “paragraph (7)”;

5           (4) by redesignating paragraphs (5) and (6) as  
6           paragraphs (6) and (7), respectively;

7           (5) by inserting after paragraph (4) the fol-  
8           lowing new paragraph (5):

9           “(5)(A) The Secretary of the Army may lease not  
10          more than two housing units in the vicinity of Homestead,  
11          Florida, for key and essential personnel, as designated by  
12          the Secretary, for the United States Special Operations  
13          Command South for which the expenditure for the rental  
14          of such units (including the costs of utilities, maintenance,  
15          and operation, including security enhancements) exceeds  
16          the expenditure limitations in paragraphs (2) and (3).

17          “(B) The total amount of both leases under this para-  
18          graph may not exceed \$70,000 per year, as adjusted from  
19          time to time under paragraph (7).

20          “(C) The term of any lease under this paragraph may  
21          not exceed 5 years.”; and

22                 (6) in paragraph (7), as redesignated, by strik-  
23                 ing “paragraph (4)” and inserting “paragraphs (4)  
24                 and (5)”.

1       **Subtitle B—Real Property and**  
2       **Facilities Administration**

3       **SEC. 2911. REPEAL REQUIREMENT TO DETERMINE THE**  
4               **AVAILABILITY OF SUITABLE ALTERNATIVE**  
5               **HOUSING FOR ACQUISITION IN LIEU OF CON-**  
6               **STRUCTION OF NEW FAMILY HOUSING.**

7           (a) IN GENERAL.—Section 2823 of title 10, United  
8 States Code, is repealed.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 169 of such title is amended  
11 by striking the item related to section 2823.

12       **SEC. 2912. CLARIFICATION OF POTENTIAL RECIPIENTS OF**  
13               **PLANNING GRANTS.**

14       Section 2391(d)(1) of title 10, United States Code,  
15 is amended by adding at the end the following new sen-  
16 tence: “For purposes of subsection (b)(1)(D) of this sec-  
17 tion, a ‘military installation’ may also include a military  
18 facility owned and operated by a State, the District of Co-  
19 lumbia, the Commonwealth of Puerto Rico, Guam, or the  
20 Virgin Islands even though not under the jurisdiction of  
21 a military department, if the military facility is subject  
22 to significant use for training by the armed forces.”.

1 **SEC. 2913. CONSOLIDATION OF EASEMENT PROVISIONS.**

2 (a) CONSOLIDATION OF EASEMENT PROVISIONS.—

3 (1) Section 2668 of title 10, United States Code, is in-  
4 serted after section 2671 of such title.

5 (2) Section 2672, as redesignated by paragraph (1),  
6 is amended—

7 (A) by amending the heading to read as follows:

8 **“§ 2672. Easements: Rights-of-way”;**

9 (B) in subsection (a)—

10 (i) by inserting “(a) TYPES OF EASE-  
11 MENTS.—” after “(a)”; and

12 (ii) in the matter preceding paragraph (1),  
13 by striking “to a State, Territory, Common-  
14 wealth, or possession, or political subdivision  
15 thereof, or to a citizen, association, partnership,  
16 or corporation of a State, Territory, Common-  
17 wealth, or possession,”;

18 (iii) in paragraph (2), by striking “oil pipe  
19 lines” and inserting “gas, water, sewer, and oil  
20 pipe lines”; and

21 (iv) in paragraph (13), by striking “, ex-  
22 cept a purpose covered by section 2669 of this  
23 title”;

24 (C) in subsection (b), by inserting “LIMITATION  
25 ON SIZE.—” after “(b)”;

1 (D) in subsection (c), by inserting “TERMI-  
2 NATION.—” after “(c)”;

3 (E) in subsection (d), by inserting “NOTICE TO  
4 DEPARTMENT OF THE INTERIOR.—” after “(d)”;  
5 and

6 (F) in subsection (e), by inserting “DISPOSI-  
7 TION OF CONSIDERATION.—” after “(e)”.

8 (b) REPEAL OF SECTION 2669.—Section 2669 of  
9 such title is repealed.

10 (c) CONFORMING AMENDMENT.—The table of sec-  
11 tions at the beginning of chapter 159 of such title is  
12 amended—

13 (1) by striking the items related to sections  
14 2668 and 2669; and

15 (2) by inserting after the item relating to sec-  
16 tion 2671 the following new item:

“2672. Easements: rights-of-way.”.

17 **SEC. 2914. CONSOLIDATION OF PROVISIONS RELATING TO**  
18 **TRANSFER OF REAL PROPERTY WITHIN THE**  
19 **DEPARTMENT OF DEFENSE AND TO OTHER**  
20 **FEDERAL AGENCIES.**

21 (a) RENUMBERING OF 10 U.S.C. 2696.—Section  
22 2696 of title 10, United States Code, is amended—

23 (1) in subsection (a), by striking “(a) SCREEN-  
24 ING REQUIREMENT.” and inserting “(c) GENERAL

1 SCREENING REQUIREMENTS.—(1) SCREENING RE-  
2 QUIREMENT.”;

3 (2) by redesignating subsections (b), (d), and  
4 (e) as paragraphs (2), (3), and (4), respectively;

5 (3) in paragraph (2), as redesignated—

6 (A) by redesignating paragraphs (1) and  
7 (2) as subparagraphs (A) and (B), respectively;

8 and

9 (B) in subparagraph (A), as redesign-  
10 nated—

11 (i) by striking “subsection (a)” and  
12 inserting “paragraph (1)”; and

13 (ii) by redesignating subparagraphs  
14 (A), (B), and (C) as clauses (i), (ii), and  
15 (iii), respectively; and

16 (4) in paragraph (3), as redesignated, by strik-  
17 ing “subsection (b)(1)” and inserting “paragraph  
18 (2)(A)”.

19 (b) TRANSFERS BETWEEN THE ARMED FORCES.—

20 Such section is further amended by inserting a new sub-  
21 section (a) as follows:

22 “(a) TRANSFERS BETWEEN THE ARMED FORCES.—

23 (1) If either of the Secretaries concerned requests it and  
24 the other approves, real property may be transferred,  
25 without compensation, from one armed force to another.

1       “(2) No agency or official of the executive branch of  
 2 the Federal Government may establish any regulation,  
 3 program, or policy or take any other action which pre-  
 4 cludes, directly or indirectly, the Secretaries concerned  
 5 from exercising the authority provided in this sub-  
 6 section.”.

7       (c) TRANSFER AND RENUMBERING OF 10 U.S.C.  
 8 2693.—(1) The text of section 2693 of such title is trans-  
 9 ferred to section 2696 and inserted after subsection (a).  
 10       (2) Subsection (b) of section 2696, as redesignated,  
 11 is amended—

12           (A) by redesignating subsections (a) and (b) as  
 13 paragraphs (1) and (2), respectively;

14           (B) in paragraph (1), as redesignated—

15               (i) by striking “(a) Except as provided in  
 16 subsection (b)” and inserting “(b) DEPART-  
 17 MENT OF JUSTICE CORRECTIONAL OPTIONS  
 18 PROGRAM.—(1) GENERAL.—Except as provided  
 19 in paragraph (2)”;

20               (ii) by redesignating paragraphs (1), (2),  
 21 and (3) as subparagraphs (A), (B), and (C), re-  
 22 spectively; and

23           (C) in paragraph (2), as redesignated—

1 (i) by striking “(b) The provisions” and in-  
 2 serting “(2) EXCEPTIONS.—The provisions”;  
 3 and

4 (ii) by redesignating paragraphs (1) and  
 5 (2) as subparagraphs (A) and (B), respectively.

6 (d) CLERICAL AMENDMENTS.—(1) The heading for  
 7 section 2696 of such title is amended to read as follows:  
 8 **“§ 2696. Transfers and Disposals: Interchanges and**  
 9 **screening requirements”.**

10 (2) The table of sections at the beginning of chapter  
 11 159 of such title is amended—

12 (A) by striking the item relating to section  
 13 2693; and

14 (B) by amending the item relating to section  
 15 2696 to read as follows:

“2696. Transfers and Disposals: Interchanges and screening requirements.”.

16 (e) CONFORMING AMENDMENTS.—Section 2571(a)  
 17 of such title 10 is amended—

18 (1) by striking “and real estate”;

19 (2) by striking “**PROPERTY**” in the section  
 20 heading and inserting “**SUPPLIES**”; and

21 (3) in the table of sections at the beginning of  
 22 chapter 153 of such title, by amending the item re-  
 23 lating to section 2571 to read as follows:

“2571. Interchange of supplies and services.”.

1 **SEC. 2915. EXTENDING LEASE TERMS FOR STRUCTURES**  
2 **AND REAL PROPERTY RELATING TO STRUC-**  
3 **TURES IN FOREIGN COUNTRIES THAT ARE**  
4 **NEEDED FOR PURPOSES OTHER THAN FAM-**  
5 **ILY HOUSING.**

6 Section 2675(a) of title 10, United States Code, is  
7 amended by striking “five” and inserting “ten”.

8 **SEC. 2916. PREVENTING ENCROACHMENT.**

9 Section 2684a(h) of title 10, United States Code, is  
10 amended—

11 (1) by striking “FUNDING.—(1)” and inserting  
12 “CONSIDERATION.—Consideration for an agreement  
13 under this section may take the following forms—  
14 (1)”;

15 (2) by adding at the end the following new  
16 paragraph:

17 “(3) Notwithstanding title 40 and the McKin-  
18 ney Vento Homeless Assistance Act, land under the  
19 Secretary’s jurisdiction and determined to be excess  
20 to the needs of the Department of Defense may be  
21 used by way of exchange to enter into agreements  
22 under this section, provided the excess lands are lo-  
23 cated within the same State as the installation that  
24 is the subject of the agreement. Prior to using ex-  
25 cess lands for exchange under this section, the Sec-  
26 retary concerned shall request the concurrence of the



1 Office of Management and Budget, and the Sec-  
 2 retary of the Interior in the case of lands withdrawn  
 3 from the public domain, using a process developed  
 4 by the Secretary of Defense.”.

5 **SEC. 2917. AUTHORITY TO GRANT RESTRICTIVE EASE-**  
 6 **MENTS.**

7 (a) AUTHORITY TO GRANT RESTRICTIVE EASE-  
 8 MENTS.—Chapter 159 of title 10, United States Code, is  
 9 amended by inserting after section 2671 adding the fol-  
 10 lowing new section:

11 **“§ 2672a. Easements: restrictive**

12 “(a) CONSERVATION EASEMENTS.—(1) If the Sec-  
 13 retary of a military department finds that it will not be  
 14 against the public interest, he may grant, upon such terms  
 15 as he considers advisable, a restrictive easement—

16 “(A) to—

17 “(i) a State or local government; or

18 “(ii) a qualified organization, as that term  
 19 is used in section 170(h) of the Internal Rev-  
 20 enue Code of 1986 (26 U.S.C. 170(h));

21 “(B) for a conservation purpose consistent with  
 22 section 170(h)(4)(A)(iv) of that Act (26 U.S.C.  
 23 170(h)(4)(A)(iv));

24 “(C) over, in, and upon any real property that  
 25 is to be transferred by deed by that department;

1 “(D) restricting future uses of the property.

2 “(2) An easement under paragraph (1) shall not be  
3 granted if the Secretary determines that—

4 “(A) the conservation of the property can be ef-  
5 fectively achieved through the application of State  
6 law by units of State or local government;

7 “(B) the jurisdiction that encompasses the  
8 property authorizes such an easement; and

9 “(C) the Secretary can give or assign to a third  
10 party the responsibility for monitoring and enforcing  
11 such an easement.

12 “(b) ENVIRONMENTAL EASEMENTS.—(1) If the Sec-  
13 retary of a military department finds that it will not be  
14 against the public interest, he may grant, upon such terms  
15 as he considers advisable, a restrictive easement—

16 “(A) to a State or local government;

17 “(B) over, in, and upon any real property that  
18 is to be transferred by deed by that department;

19 “(C) restricting future uses of the property to  
20 ensure the continued effectiveness of any environ-  
21 mental restoration function on the property con-  
22 ducted pursuant to chapter 160 of this title.

23 “(c) LIMITATIONS.—(1) No easement granted under  
24 this section may apply to more land than is necessary for  
25 the effectiveness of the easement.

1 “(2) Easements granted under this section shall be  
2 without consideration from the recipient.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by inserting  
5 after the item relating to section 2671 the following new  
6 item:

“2671a. Easements: restrictive.”.

## 7 **Subtitle C—Base Closure and** 8 **Realignment**

### 9 **SEC. 2921. MODIFICATION OF DEPOSIT REQUIREMENTS IN** 10 **CONNECTION WITH LEASE PROCEEDS RE-** 11 **CEIVED AT MILITARY INSTALLATIONS AP-** 12 **PROVED FOR CLOSURE OR REALIGNMENT** 13 **AFTER JANUARY 1, 2005.**

14 Section 2667(d)(5) of title 10, United States Code,  
15 is amended to read as follows:

16 “(5) Money rentals received by the United States  
17 from a lease under subsection (f) at a military installation  
18 to be closed or realigned under a base closure law, the  
19 date of approval of which is—

20 “(A) before January 1, 2005, shall be deposited  
21 into the account established under section 2906(a)  
22 of the Defense Base Closure and Realignment Act of  
23 1990 (part A of title XXIX of Public Law 101–510;  
24 10 U.S.C. 2687 note); or

1 “(B) after January 1, 2005, shall be deposited  
2 into the account established under section 2906A(a)  
3 of such Act.”.

## 4 **Subtitle D—Other Matters**

### 5 **SEC. 2931. REVITALIZATION OF DEPARTMENT OF DEFENSE**

#### 6 **LABORATORIES.**

7 (a) IN GENERAL.—Section 2805 of title 10, United  
8 States Code, is amended—

9 (1) by redesignating subsection (d) as sub-  
10 section (e); and

11 (2) by inserting after subsection (c) the fol-  
12 lowing new subsection (d):

13 “(d) LABORATORY REVITALIZATION.—(1) For the  
14 revitalization of laboratories owned by the United States  
15 and under the jurisdiction of the Secretary concerned, the  
16 Secretary may spend from appropriations available—

17 “(A) for operation and maintenance amounts  
18 necessary to carry out an unspecified minor military  
19 construction project costing not more than  
20 \$1,500,000; or

21 “(B) for military construction not otherwise au-  
22 thorized by law amounts necessary to carry out an  
23 unspecified minor military construction project cost-  
24 ing not more than \$3,000,000.

1       “(2) For projects conducted pursuant to this sub-  
 2 section, \$1,500,000 shall be the amount applied for pur-  
 3 poses of subsection (b)(1).

4       “(3) For purposes of this subsection, a laboratory in-  
 5 cludes—

6           “(A) a research, engineering, and development  
 7 center;

8           “(B) a test and evaluation activity; and

9           “(C) any buildings, structures, or facilities lo-  
 10 cated at and supporting such centers or activities.”.

11       (b) **STYLISTIC AND CLERICAL AMENDMENTS.**—Such  
 12 section is further amended—

13           (1) in subsection (a), by inserting “**MILITARY**  
 14 **CONSTRUCTION FUNDING.**—” after “(a)”;

15           (2) in subsection (b), by inserting “**NOTIFICA-**  
 16 **TIONS.**—” after “(b)”;

17           (3) in subsection (c), by inserting “**OPERATION**  
 18 **AND MAINTENANCE FUNDING.**—” after “(c)”; and

19           (4) in subsection (e), as redesignated by sub-  
 20 section (a) of this section, by inserting “**LIMITA-**  
 21 **TIONS.**—” after “(e)”.

22 **SEC. 2932. THRESHOLD FOR MEDICAL FACILITY PROJECTS.**

23       Section 2805(a) of title 10, United States Code, is  
 24 amended—

1           (1) in paragraph (1), by striking “paragraph  
2       (2)” and inserting “paragraphs (2) and (3)”;  
3           (2) by adding at the end the following new  
4       paragraph:  
5       “(3) For an unspecified minor military construction  
6       project for a medical facility, the cost limitation for pur-  
7       poses of paragraph (1) is the expenditure threshold for  
8       a major medical facility project under section  
9       8104(a)(3)(A) of title 38.”.

○